

Form 1-213 (Rev. 08/01/07)

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| Alien's Name<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | File Number<br>(b)(6),(b)(7)(C) | Date<br>02/02/2010 |
| CIS Neg<br>TECS Neg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | Event No: XBO1003000003         |                    |
| CHARGE CODES<br>I6A<br>I6C2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                 |                    |
| <p>Record of Deportable/Excludable Alien:<br/>On February 2, 2010, Immigration and Customs Enforcement Special Agents assigned to the Office of the Special Agent in Charge, Boston, MA arrested (b)(6),(b)(7)(C) a citizen of the Dominican Republic at his residence located at (b)(6),(b)(7)(C).</p> <p>Subject is not a citizen or national of the United States. Subject is a native of Dominican Republic and a citizen of Dominican Republic. Subject claimed he arrived in the United States at or near Ricon, Puerto Rico by boat, on or about unknown date in the Summer of 2006. Subject was not admitted or paroled after inspection by an Immigration Officer.</p> <p>On or about February 2, 2010, subject falsely represented himself to be a United States citizen for the following purpose of evading arrest by Immigration and Customs Enforcement Special Agents. Subject claimed his name was (b)(6),(b)(7)(C) and that he was born in Puerto Rico. Subject was found in possession of a valid United States Social Security card in the name of (b)(6),(b)(7)(C) and a valid Puerto Rican birth certificate also in the name of (b)(6),(b)(7)(C). Subject admitted that he purchased these documents when he was smuggled into the United States in the Summer of 2006 and that he lied to Agents when he claimed he was a United States Citizen to avoid arrest.</p> <p>Subject is believed to be wanted in the Dominican Republic for Murder. The attaché office in Santa Domingo was contacted on February 2, 2010 and is the process of checking the status of the murder warrant.</p> |  |                                 |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Title<br>SPECIAL AGENT          |                    |

2 of 2 Pages



## Person Record

(b)(6),(b)(7)(C) Person ID: [REDACTED] Marital Status: Single City of Birth: San Francisco De Maroni FINS:  
(b)(6),(b)(7)(C) First Name: [REDACTED] DOB: [REDACTED] Religion: 1099926006  
(b)(6),(b)(7)(C) Last Name: [REDACTED] Age: 34 A-Numbers: [REDACTED]  
(b)(6),(b)(7)(C) Middle Name: [REDACTED] Sex: Male BOP: [REDACTED]  
Aggravated Felon Status: N - Not an COB: Dominican Republic FBI Number:  
Aggravated Felon COC: Dominican Republic SSN Number:

## Comments:

## Case History

Select a case to make it the active case you are currently working on, the header block above will change to reflect this. The currently active case is highlighted below.

| Case #   | Case Category                                          | DCQ | Final Order | Depart./Cleared Status |
|----------|--------------------------------------------------------|-----|-------------|------------------------|
| 10271709 | [BA] Excludable / Inadmissible - Hearing Not Commenced | BOS | No          | ACT                    |

## Encounter History

| A-Number   | Subject ID | Last Name  | First Name | COB | Age | Entry Date | Apprehended | Processing Disposition             | Case #   |
|------------|------------|------------|------------|-----|-----|------------|-------------|------------------------------------|----------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | DR  | 34  |            | 02/02/2010  | Warrant of Arrest/Notice to Appear | 10271709 |

## Crimes

Nothing found to display.

In detention at Plymouth County Correctional Facility since 2/02/2010

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |                            |                             |
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|  <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement</b><br/><b>Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | <b>1. CASE NUMBER</b>      | (b)(6),(b)(7)(C)            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          | <b>PREPARED BY</b>         | (b)(6),(b)(7)(C)            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          | <b>2. REPORT NUMBER</b>    | 001                         |
| <b>3. TITLE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |                            |                             |
| EMPLOYEE, UNKNOWN/Unknown/General Misconduct-Conduct unbecoming an Officer/HOMESTEAD AFB, DADE, FL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |                            |                             |
| <b>4. FINAL RESOLUTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                          |                            |                             |
| <b>5. STATUS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |                            |                             |
| Initial Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>6. TYPE OF REPORT</b> |                            |                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Allegation               |                            |                             |
| <b>7. RELATED CASES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                          |                            |                             |
| <b>8. TOPIC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |                            |                             |
| CBP & ICE misconduct during Raid conducted in Homestead/Florida City on April 27, 2010, FL.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                            |                             |
| <b>9. SYNOPSIS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |                            |                             |
| <p>On May 13, 2010, the Joint Intake Center (JIC), Washington, DC, received an e-mail from Customs and Border Protection (CBP) Deputy Field Office Director Michael W. Meade, Miami, FL. The purpose of Mr. Meade's e-mail is to forward a citizens complaint received at his official e-mail address. The complainant stated ICE/CBP conducted several raids in Homestead/Florida City on Wednesday, April 27, 2010 that produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens, one three months pregnant and another a minor, and included a vulgar reference to prison sexual assault laced with racial overtones.</p> |                          |                            |                             |
| <b>10. CASE OFFICER (Print Name &amp; Title)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          | <b>11. COMPLETION DATE</b> | <b>14. ORIGIN OFFICE</b>    |
| (b)(6),(b)(7)(C) Joint Intake Specialist                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          | 14-MAY-2010                | Joint Intake Center         |
| <b>12. APPROVED BY(Print Name &amp; Title)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          | <b>13. APPROVED DATE</b>   | <b>15. TELEPHONE NUMBER</b> |
| (b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          | 14-MAY-2010                | No Phone Number             |
| <p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                            |                             |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>                                                                                                                                                                                                                                                                                                     |                          |                            |                             |



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| <div style="text-align: center;"><br/><b>DEPARTMENT OF HOMELAND SECURITY</b><br/><br/><b>REPORT OF INVESTIGATION<br/>CONTINUATION</b><br/><br/>HB 4200-01 (37), Special Agent Handbook</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>1. CASE NUMBER</b><br>[REDACTED] (b)(6),(b)(7)(C) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>PREPARED BY</b><br>[REDACTED] (b)(6),(b)(7)(C)    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>2. REPORT NUMBER</b><br>001                       |
| <b>10. NARRATIVE</b> <p>On May 13, 2010, the Joint Intake Center (JIC), Washington, DC, received an e-mail from Customs and Border Protection (CBP) Deputy Field Office Director Michael W. Meade, Miami, FL. The purpose of Mr. Meade's e-mail is to forward a citizens complaint received at his official e-mail address. The complainant stated ICE/CBP conducted several raids in Homestead/Florida City on Wednesday, April 27, 2010 that produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens, one three months pregnant and another a minor, and included a vulgar reference to prison sexual assault laced with racial overtones.</p> <p>This is a verbatim recreation of the e-mail sent to the JIC. No spelling or grammatical corrections have been made.</p> <p>&lt;VERBATIM BEGIN&gt;</p> <p>May 10, 2010</p> <p>Michael Meade, Field Office Director<br/>Krome Service Processing Center<br/>18201 S.W. 12th Street<br/>Miami, FL 33194</p> <p>(b)(6),(b)(7)(C) VIA Fax: (954) 236-[REDACTED] and Email: [REDACTED]</p> <p>Dear Mr. Meade:</p> <p>Our organizations are writing to request a full and fair investigation by your office into the actions of law enforcement agents from Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) during a raid conducted in Homestead/Florida City on Wednesday, April 27, 2010.</p> <p>According to ICE comments in the Miami Herald on Saturday, May 1st, 2010, ICE conducted several raids on the morning in question focusing on "dangerous foreign-born criminals." While we applaud law enforcement actions that keep our communities safe, our interviews with witnesses and subjects of the Wednesday raids conducted by ICE/CBP have produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens (USC), one three months pregnant and another a minor, and included a</p> |                                                      |

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|  <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION<br/>CONTINUATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>1. CASE NUMBER</b><br>[REDACTED] (b)(6),(b)(7)(C) |
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| <b>10. NARRATIVE</b> <p>vulgar reference to prison sexual assault laced with racial overtones. After interviewing several witnesses, the following is our understanding of the facts:</p> <p>The raid of concern was conducted in Homestead on Wednesday, April 27, 2010 at [REDACTED] (b)(6),(b)(7)(C) Florida City at approximately 12 pm. The raid was apparently conducted to apprehend [REDACTED] (b)(6),(b)(7)(C) a 48 year-old who is currently seeing impaired. [REDACTED] (b)(6),(b)(7)(C) was at his residence on [REDACTED] (b)(6),(b)(7)(C) a private gated neighborhood owned by Rural Neighborhoods, a non-profit organization. [REDACTED] (b)(6),(b)(7)(C) resides there with his LPR (Legal Resident) wife and his 16-year-old USC son. On the day in question several ICE officers descended on the [REDACTED] (b)(6),(b)(7)(C) residence asking to be let into the house in order to apprehend [REDACTED] (b)(6),(b)(7)(C). At the time his wife [REDACTED] (b)(6),(b)(7)(C) and son [REDACTED] (b)(6),(b)(7)(C) were outside the house and refused to let the agents gain entry. After learning about the raid, two employees of Rural Neighborhoods (the managers of the complex), [REDACTED] (b)(6),(b)(7)(C) and [REDACTED] (b)(6),(b)(7)(C) both naturalized USC's, drove to the house from the management office. [REDACTED] (b)(6),(b)(7)(C) was visibly pregnant (3 months).</p> <p>As the employees arrived on the scene they identified themselves and their job titles. They were asked by the ICE officers about which police jurisdiction the residence was in and ICE confirmed that they were not being given permission to enter the [REDACTED] (b)(6),(b)(7)(C) home. The employees then suggested that it was in the best interest of 16 year-old [REDACTED] (b)(6),(b)(7)(C) to accompany him away from the scene and to the management office, to which the ICE agents agreed.</p> <p>At that point a government car pulled up (Black Ford sedan, tag numbers [REDACTED] (b)(7)(E)) carrying ICE officer [REDACTED] (b)(6),(b)(7)(C) from Fugitive Operations and the previously mentioned unidentified agent wearing what seemed to be a green "Border Patrol" uniform. The man is described as White or Hispanic (he spoke Spanish) and had a mustache.</p> <p>The unidentified officer proceeded to shout at [REDACTED] (b)(6),(b)(7)(C) saying, "you know the piece of shit in your house is a criminal." At that point, [REDACTED] (b)(6),(b)(7)(C) told the officer not to yell at his mother, to which the officer responded by seemingly intentionally bumping into [REDACTED] (b)(6),(b)(7)(C) and then screaming "You touched me!" several times. The officer then grabbed the 16 year old by the neck and slammed him on [REDACTED] (b)(6),(b)(7)(C) car and began yelling "stop resisting." The witnesses we spoke to insist that [REDACTED] (b)(6),(b)(7)(C) was not resisting. The officer then put the boy in handcuffs.</p> <p>[REDACTED] (b)(6),(b)(7)(C) asked the officer to relax, to which the officer then shouted and asked both [REDACTED] (b)(6),(b)(7)(C) and [REDACTED] (b)(6),(b)(7)(C) for their country of origin, immigration status, and relationship to [REDACTED] (b)(6),(b)(7)(C). After discovering that [REDACTED] (b)(6),(b)(7)(C) was a naturalized citizen, the officer demanded to</p> |                                                      |



| DEPARTMENT OF HOMELAND SECURITY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                      |
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| <br><br><b>REPORT OF INVESTIGATION<br/>CONTINUATION</b><br><br>HB 4200-01 (37), Special Agent Handbook                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>1. CASE NUMBER</b><br>[REDACTED] (b)(6),(b)(7)(C) |
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| <b>10. NARRATIVE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                      |
| <p>(b)(6),(b)(7)(C) see citizenship papers [REDACTED] replied that they were in the rental office with her Driver's license and that she would have to drive to the rental office to get them. At that point the officer stated that if she drove to the office she would be arrested. [REDACTED] (three months pregnant) then walked the quarter mile distance to her office to obtain her proof of US citizenship. (b)(6),(b)(7)(C)</p> <p>(b)(6),(b)(7)(C) In the presence of [REDACTED] and [REDACTED] the agents asked [REDACTED] if he had any sharp objects, he said no, "only keys." Officers pulled the keys out in front of the complex employees. Later the unidentified agent insisted to a supervisor of the complex that [REDACTED] had a knife. (b)(6),(b)(7)(C)</p> <p>(b)(6),(b)(7)(C) After [REDACTED] was handcuffed [REDACTED] then opened the door to the house, prompting his arrest. During the arrest, the unidentified officer kept telling [REDACTED] "your son wasn't raised right." He then told her "tonight he is going to be raped by three black guys" in jail. (b)(6),(b)(7)(C)</p> <p>We are extremely concerned about this incident. The allegations point to several occurrences of misconduct on behalf of the unidentified agent. Namely, the testimony appears to indicate that the 16-year-old minor (and USC) was wrongfully detained as leverage against [REDACTED] who was lawfully asserting his right to not open his door to the agents. Most disturbingly, the unidentified agent used a threat of sexual violence peppered with racial innuendo directed at a 16 year old USC who has not been charged or accused of any wrong doing. We request a prompt response to this matter. This raid, advertised as protecting our community further only served to further victimize the community. In this case the victims included several US Citizens and a minor. (b)(6),(b)(7)(C)</p> <p>We are willing to assist the US Attorney and any other agency in any serious investigation of this matter as long as you provide protection to witnesses who may suffer reprisals at the hands of CBP or ICE. We request a prompt response. Thank you in advance for your attention to this matter. You may contact [REDACTED] from WeCount! at (305) 281-9377. Sincerely,</p> <p>The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee, Coalition of Florida Farmworker Organizations.</p> <p>cc:<br/>Wilfredo Ferrer, United States Attorney<br/>(b)(6),(b)(7)(C) [REDACTED] Chief Patrol Officer, Customs and Border Protection<br/>Alan Bersin, Commissioner, Customs and Border Protection<br/>(b)(6),(b)(7)(C) [REDACTED] Special Agent-in-Charge, Immigration and Customs Enforcement (ICE)</p> |                                                      |



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| <div data-bbox="142 268 289 420"></div> <div data-bbox="389 199 961 235"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="474 415 873 483"><b>REPORT OF INVESTIGATION<br/>CONTINUATION</b></div> <div data-bbox="490 493 857 520">HB 4200-01 (37), Special Agent Handbook</div> | <b>1. CASE NUMBER</b><br><div data-bbox="1058 252 1226 298" style="background-color: black; color: black;">[REDACTED]</div>                                |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>PREPARED BY</b><br><div data-bbox="1058 346 1383 403" style="background-color: black; color: black;">[REDACTED]</div><br><b>2. REPORT NUMBER</b><br>001 |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**10. NARRATIVE**

John Morton, Assistant Secretary of Homeland Security  
Margo Schlanger, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security  
Congressman Mario Diaz-Balart, 25th District of Florida  
U.S. Senator George Lemieux  
U.S. Senator Bill Nelson  
Chief Al Rolle, Homestead Police Department  
Mayor Steven Bateman, City of Homestead  
Commissioners Katy Sorenson and Dennis Moss, Miami-Dade County  
American Civil Liberties Union  
PRLDF-Latino Justice  
Center for Constitutional Rights  
Mexican American Legal Defense Fund  
NAACP

<VERBATIM END>

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| <div data-bbox="142 268 289 420"></div> <div data-bbox="393 201 964 235"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="477 415 878 485"><b>REPORT OF INVESTIGATION<br/>Exhibit List</b></div> <div data-bbox="495 493 862 520">HB 4200-01 (37), Special Agent Handbook</div> | <b>1. CASE NUMBER</b><br><div data-bbox="1058 256 1253 298" style="background-color: black; height: 20px; width: 120px;"></div> | (b)(6),(b)(7)(C) |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>PREPARED BY</b><br><div data-bbox="1058 352 1383 403" style="background-color: black; height: 24px; width: 200px;"></div>    | (b)(6),(b)(7)(C) |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>2. REPORT NUMBER</b><br>001                                                                                                  |                  |
| <div data-bbox="142 541 220 571">None</div>                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                 |                  |



OFFICIAL USE ONLY SENSITIVE Page 1 of 13  
OFFICIAL USE ONLY SENSITIVE  
DEPARTMENT OF HOMELAND SECURITY 1. CASE NUMBER  
Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [REDACTED]

2. REPORT NUMBER  
Administrative Inquiry Report 001

4. TITLE

(b)(6),(b)(7)(C) [REDACTED] CRIM INVSTGR/General Misconduct-Conduct unbecoming an  
Officer/JACKSONVILLE, DUVAL, FL

5. STATUS 6. TYPE  
Closing Report Unfounded

7. TOPIC  
SA engaged in racial and religious profiling

8. SUMMARY  
On October 05, 2010, the Joint Intake Center (JIC), Washington, DC, received an  
allegation from

(b)(6),(b)(7)(C) [REDACTED] the godmother of African Muslim men from Niger, who were then being  
detained by

(b)(6),(b)(7)(C) ICE. [REDACTED] states that Immigration and Customs Enforcement, ASAC,  
Jacksonville, FL,

(b)(6),(b)(7)(C) Special Agent (SA) [REDACTED] engaged in racial and religious profiling.

10. ORIGINATOR (Print Name & Title) 11. COMPLETION DATE 14. ORIGIN  
OFFICE

(b)(6),(b)(7)(C) [REDACTED] ICE OPR Fact Finder 11-JUL-2011 ICE Homeland  
Security Investigations

12. APPROVED BY(Print Name & Title) 13. APPROVED DATE 15. TELEPHONE  
NUMBER

(b)(6),(b)(7)(C) [REDACTED] ICE-OPR Special  
Agent Supervisor

12-JUL-2011 No Phone Number

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10. NARRATIVE

On October 05, 2010, the Joint Intake Center (JIC), Washington, DC, received an allegation from

the godmother of African Muslim men from Niger, who were then being detained by

ICE. stated that Immigration and Customs Enforcement, ASAC, Jacksonville, FL,

Special Agent (SA) began a witch hunt to find any kind of violation of the

immigration laws in order to deport young men. SA has made sarcastic comments

against the religion of these young men, such as "Go tell your God that you pray to that I am going

to send you home; we don't want people like you in this country; and "every house I go in, I see

this prayer rug, we want your kind here"; and "these people pretend to be innocent and helpless

so that they can use Americans". SA has been relentless in finding anything to arrest

these young Muslim men again, even if it's a parking ticket. There were eight young Muslim men

from Niger, he has already deported two.

The administrative inquiry identified no evidence to substantiate the allegations in the complaint

against SA

A joint interview of the complainant by Fact Finder and DHS Civil Rights and Civil

Liberties (CRCL) SA reveals that the complainant has no first hand knowledge of

any of the derogatory statements or behaviors that she alleged were committed by SA in

her complaint. The complainant stated under oath that her allegations were all based upon third

party conversations and hearsay. The complainant further stated that the motivation for her filing



of the complaint was that she was upset that that a friend of hers [REDACTED]

(b)(6),(b)(7)(C)

was being deported and she wished she could do something to stop it.

The administrative inquiry determined that the predication for the investigation of

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] that was conducted by SA [REDACTED] was the routine follow up to three previous arrests

made by Customs and Border Protection (CBP) officers at the port of Jacksonville. Each of those

three previous individuals were initially arrested by CBP officers at the port of Jacksonville, before

being turned over to and ultimately processed by SA [REDACTED] All three of those subjects

(b)(6),(b)(7)(C)

were identified as citizens of Niger who were illegally present in the United States, all three were

registered with the State of Florida as security guards, and all three had attempted to illegally

export an automobile from the port of Jacksonville, FL. [REDACTED] was

(b)(6),(b)(7)(C)

identified by

(b)(6),(b)(7)(C)

SA [REDACTED] as a previous registered owner of one of the vehicles which was attempted to be

exported illegally, in addition to being a citizen of Niger who had overstayed his lawful admission

into the United States, and a security guard registered with the State of Florida.

A comprehensive review of the INS A-file pertaining to [REDACTED] by Fact Finder

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] revealed that the subject was represented by counsel throughout the entirety of his

case; to include an appeal of his deportation order to the Board of Immigration Appeals, which

(b)(6),(b)(7)(C)

was dismissed. Throughout [REDACTED] extensive legal battle to contest his

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(b)(6),(b)(7)(C) [REDACTED]  
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10. NARRATIVE

deportation from the United States he has been represented by legal counsel who has exhausted

every legal means available under the law to prevent [REDACTED] deportation. At no

(b)(6),(b)(7)(C) [REDACTED] time during the more than two and one half years of the immigration proceedings against [REDACTED] did his counsel ever raise the allegations made by the complainant in this case.

ALLEGATION ONE: Engaging in racial and religious profiling  
UNFOUNDED

Details of Administrative Inquiry:

On October 05, 2010, the Joint Intake Center (JIC), Washington, DC, received an allegation from

(b)(6),(b)(7)(C) [REDACTED] the godmother of African Muslim men from Niger, who were then being detained by

(b)(6),(b)(7)(C) ICE. [REDACTED] stated that Immigration and Customs Enforcement, ASAC, Jacksonville, FL,

(b)(6),(b)(7)(C) Special Agent (SA) [REDACTED] began a witch hunt to find any kind of violation of the immigration laws in order to deport young men. SA [REDACTED] has made sarcastic comments

against the religion of these young men, such as "Go tell your God that you pray to that I am going to send you home; we don't want people like you in this country; and "every house I go in, I see this prayer rug, we want your kind here"; and "these people pretend to be innocent and helpless

(b)(6),(b)(7)(C) so that they can use Americans". SA [REDACTED] has been relentless in finding anything to arrest

these young Muslim men again, even if it's a parking ticket. There were eight young Muslim men

(b)(6),(b)(7)(C) from Niger, he has already deported two. (ROI # 1)

On October 14, 2010, Group Supervisor [REDACTED] was assigned as a fact finder to conduct the administrative inquiry of the allegations described.

(b)(6),(b)(7)(C)

On November 22, 2010, Fact Finder [REDACTED] confirmed that [REDACTED] was still in ICE custody awaiting deportation and that he was being detained at the Wakulla County Jail in Crawfordville, Florida.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

On December 07, 2010 Fact Finder [REDACTED] received notification that SA [REDACTED] an investigator from the DHS Office for Civil Rights and Civil Liberties (CRCL), would be assigned to conduct this administrative inquiry jointly.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

On January 10, 2011, Fact Finder [REDACTED] traveled to the Wakulla County Jail in Crawfordville,

(b)(6),(b)(7)(C)

FL for the purpose of interviewing [REDACTED] DHS CRCL [REDACTED] was not able

(b)(6),(b)(7)(C)



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(b)(6),(b)(7)(C) [REDACTED]  
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10. NARRATIVE

to attend this interview and advised Fact Finder [REDACTED] to proceed without him. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) The subject interviewed is fully identified as [REDACTED]  
(b)(6),(b)(7)(C) [REDACTED]

(b)(6),(b)(7)(C) DOB: [REDACTED] POB: NIGER, citizenship: NIGER, INS file number [REDACTED] (b)(6),(b)(7)(C)

The subject

is further identified as the alien referenced by the complainant in this administrative inquiry as

(b)(6),(b)(7)(C) being racially and religiously profiled by SA [REDACTED]

(b)(6),(b)(7)(C) Prior to conducting the actual interview of [REDACTED] Fact Finder [REDACTED] (b)(6),(b)(7)(C)

conducted a thorough review of the subject's INS A-file, [REDACTED] The following (b)(6),(b)(7)(C)  
information

was contained in that file:

February 06, 2003, subject initially entered the U.S at New York City on a student visa

September 22, 2004, subject procured a counterfeit Resident Alien Card

November 07, 2005, subject married a US citizen

February 20, 2006, subject made a false claim to US citizenship on a job application and Form I-9

June 06, 2006, subject filed for adjustment of status based upon his marriage to a US citizen

August 4, 2006, subject made a second false claim to US citizenship on a job application and

Form I-9

October 23, 2006, subject adjusted his status to conditional resident based upon his marriage to a

US citizen

May 01, 2007, subject made a third documented false claim to US citizenship

October 05, 2007, subject was initially arrested by SA [REDACTED] and placed into (b)(6),(b)(7)(C)

deportation

proceedings

January 16, 2008, subject was convicted in US District Court for the Middle District of Florida for

possession of the counterfeit Resident Alien Card he procured in 2004

July 28, 2009, subject was ordered deported by the Immigration Judge in Jacksonville, FL

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(b)(6),(b)(7)(C) [REDACTED]  
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July 28, 2009, subject's counsel filed an appeal of the deportation order to the Board of Immigration Appeals

July 28, 2010, the Board of Immigration Appeals dismissed the subject's appeal.

August 25, 2010, the subject was arrested a second time by SA [REDACTED] and has remained in ICE

(b)(6),(b)(7)(C)

custody since that time awaiting his deportation.

At approximately 10:35AM on January 11, 2011, Fact Finder [REDACTED] began the interview of

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] This interview was conducted in the ICE Immigration Enforcement

Agents (IEA) office inside the facility. Present throughout the course of the interview were (IEA's)

(b)(6),(b)(7)(C) [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C) Upon being introduced to [REDACTED] by the IEA's who brought him to their office, Fact

(b)(6),(b)(7)(C) Finder [REDACTED] proceeded to introduce himself to the subject by means of displaying his official

credentials, and then proceed to inform the subject of the nature and scope of the interview to be

conducted. The subject agreed to be interviewed and the interview commenced.

(b)(6),(b)(7)(C) The first part of the interview of [REDACTED] consisted of approximately fifteen minutes

wherein the information cited above that was garnered from his INS A-file was discussed for

accuracy. During this process the subject was generally cooperative and readily answered

questions relating to the history of his immigration case in general. The subject repeatedly asked

questions of the Fact Finder as to the nature of the fact finding administrative inquiry and why it

was taking place as he had not filed any complaint that he knew of. The subject was asked in

general terms if he had any complaints regarding the manner in which his immigration case had

been handled or with ICE or HSI specifically. The subject responded to these questions

with only two issues, both of which pertained specifically to conditions of his detention at the Wakulla County Jail facility. Those issues were the fact that he was not allowed to attend Friday prayers, and he was not allowed to make use of the facility library to the extent that he desired.

The subject further stated that he thought these perceived restrictions were the result of racial profiling and his being a Muslim. The subject indicated that he had made these issues known to his

(b)(6),(b)(7)(C) counsel, and to [REDACTED] the complainant in this administrative inquiry, through letters.

When Fact Finder Townsend attempted to interview [REDACTED] regarding the (b)(6),(b)(7)(C) allegations made by the complainant in this administrative inquiry, and specifically any possible

(b)(6),(b)(7)(C) misconduct on the part of SA [REDACTED] or any other ICE or HSI employee, the subject became

agitated and refused to answer questions. Despite assurances to the subject that the sole



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(b)(6),(b)(7)(C) [REDACTED]  
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purpose of the interview was to determine if in fact any misconduct on the part of ICE or HSI

employees had taken place, the subject repeated his objection to being interviewed any further.

The subject stated at that point that any further interviews would have to take place in the presence of his counsel. The interview was therefore terminated without a formal statement being

obtained at approximately 10:53AM. The subject was returned to his cell, and Fact Finder

(b)(6),(b)(7)(C) [REDACTED] departed the facility.

(b)(6),(b)(7)(C) At approximately 12:35PM Fact Finder [REDACTED] returned to the ICE IEA office at the Wakulla

(b)(6),(b)(7)(C) County Jail and asked that [REDACTED] be brought to the ICE IEA office for the

purpose of ascertaining if he had changed his mind regarding consenting to an interview.

Present

throughout the course of this second attempt at an interview were Immigration

Enforcement

(b)(6),(b)(7)(C) Agents (IEA's) [REDACTED] and [REDACTED] At that time [REDACTED] (b)(6),(b)(7)(C)

was

informed again of the nature and scope of the administrative inquiry being conducted, and was

informed that the Fact Finder would not be available indefinitely. In light of those facts the subject

was asked if his earlier decision to refuse to be interviewed further without his attorney present

was still consistent with his wishes. The subject indicated that he had not changed his mind with

respect to being interviewed, and the second interview was terminated at approximately 12:38PM.

The subject was again returned to his cell, and Fact Finder [REDACTED] again departed the facility. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On January 11, 2011, Fact Finder [REDACTED] interviewed US Probation Officer (PO) [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] was last taken into custody by SA's [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) in the lobby area of PO [REDACTED] office on August 25, 2010. PO [REDACTED] provided the following information: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) PO [REDACTED] stated that he remembers SA [REDACTED] and two more HSI Special Agents whose names

he does not recall, coming to his office on August 25, 2010 for the purpose of taking

(b)(6),(b)(7)(C) [REDACTED] into custody. PC [REDACTED] had previously called [REDACTED] who (b)(6),(b)(7)(C)

was on probation at that time, to come to his office for a 9:00AM appointment on August 25, 2010. PO

(b)(6),(b)(7)(C) [REDACTED] had agreed to do this at the request of SA [REDACTED] after he was informed that SA

(b)(6),(b)(7)(C) [REDACTED] had made two previous unsuccessful attempts to locate and arrest [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) in the previous month. [REDACTED] became subject to arrest and deportation by HSI

on July 28, 2010, when the Board of Immigration Appeals dismissed his appeal.

(b)(6),(b)(7)(C) PC [REDACTED] further stated that at no time while the agents were effecting the arrest of

(b)(6),(b)(7)(C) [REDACTED] at his office did he hear any of the derogatory comments alleged by the complainant.

(b)(6),(b)(7)(C) PO [REDACTED] also stated that he is not aware of any racially or religiously derogatory comments having

(b)(6),(b)(7)(C) been made by any HSI agent with respect to [REDACTED] at the time of his arrest at the

US Probation Office on August 25, 2010.

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PC [REDACTED] provided an affidavit memorializing his statement. (Exhibit 1)

On January 11, 2011, Fact Finder Townsend contacted DHS CRCL SA [REDACTED] by phone and briefed him on the progress of the administrative inquiry to that point, to include the refusal of

[REDACTED] to give any meaningful statement in the matter. During that call, CRCL SA

[REDACTED] informed Fact Finder [REDACTED] that he would like to participate via a conference

call in any interview of the complainant. [REDACTED]

On January 12, 2011, Fact Finder [REDACTED] made the first attempt to contact the complainant in

this administrative inquiry. [REDACTED] This attempt was made via telephone to (904)

786 [REDACTED]

The call was answered by a machine, and a message was left requesting the complainant to

return Fact Finder [REDACTED] call for the purpose of scheduling an interview.

On January 12, 2011, Fact Finder [REDACTED] interviewed SA [REDACTED] concerning this

allegation. SA [REDACTED] provided the following information:

SA [REDACTED] stated that he did not begin work at the HSI ASAC/JX office until May of 2009. He

therefore did not participate or assist in the HSI investigation of [REDACTED]

until after

that time.

SA [REDACTED] stated that he participated in both the first unsuccessful attempt to locate

[REDACTED]

[REDACTED] in approximately August of 2010, and [REDACTED] arrest at the Jacksonville

US

Probation Office on August 25, 2010.

SA [REDACTED] further stated that at no time while the agents were effecting the arrest of

[REDACTED]

[REDACTED] at the US Probation Office in Jacksonville on August 25, 2010 did he hear

any of the

derogatory comments alleged by the complainant to have been made by SA [REDACTED] SA [REDACTED]



(b)(6),(b)(7)(C)

[REDACTED] also stated that he is not aware of any racially or religiously derogatory comments having been

(b)(6),(b)(7)(C)

made by SA [REDACTED] or any ICE or HSI employee with respect to [REDACTED] at the

(b)(6),(b)(7)(C)

time of his arrest at the US Probation Office on August 25, 2010, or at any other time.

(b)(6),(b)(7)(C)

SA [REDACTED] provided an affidavit memorializing his statement. (Exhibit 2)

(b)(6),(b)(7)(C)

On January 12, 2011, Fact Finder [REDACTED] interviewed SA [REDACTED] concerning this

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

allegation. SA [REDACTED] provided the following information:

(b)(6),(b)(7)(C)

SA [REDACTED] stated that he did not begin work at the HSI ASAC/JX office until February of 2010. He

therefore did not participate or assist in the HSI investigation of [REDACTED] until after

(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C) [REDACTED]  
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that time.

(b)(6),(b)(7)(C) SA [REDACTED] stated that he had assisted SA [REDACTED] on three occasions in the investigation of

(b)(6),(b)(7)(C) [REDACTED] SA [REDACTED] stated that he participated in both unsuccessful attempts to

(b)(6),(b)(7)(C) locate [REDACTED] in approximately August of 2010, and the arrest of

(b)(6),(b)(7)(C) [REDACTED] at the US Probation Office in Jacksonville on August 25, 2010.

(b)(6),(b)(7)(C) SA [REDACTED] stated that on August 25, 2010, he and SA [REDACTED] assisted SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] with the

(b)(6),(b)(7)(C) arrest of [REDACTED] at the US Probation Office in Jacksonville, FL. On that occasion,

(b)(6),(b)(7)(C) SA [REDACTED] stated that after [REDACTED] was over 45 minutes late for his 9:00AM

appointment with his Probation Officer, the agents left their surveillance outside the Probation

Office and went inside to meet with the Probation Officer in an attempt to have him establish

(b)(6),(b)(7)(C) contact with [REDACTED] After a brief meeting in the Probation Officer's office, SA

(b)(6),(b)(7)(C) [REDACTED] stated that as the agents were departing they observed [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) sitting in a chair in the lobby. SA [REDACTED] stated that [REDACTED] was taken into custody

(b)(6),(b)(7)(C) there in the lobby without incident by SA's [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SA [REDACTED] stated that at no time while SA's [REDACTED] and [REDACTED] were effecting the (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) arrest of [REDACTED] did he hear any of the derogatory comments alleged by the complainant.

(b)(6),(b)(7)(C) SA [REDACTED] also stated that he is not aware of any racially or religiously derogatory comments

(b)(6),(b)(7)(C) having been made by SA [REDACTED] or any ICE or HSI employee with respect to

(b)(6),(b)(7)(C) [REDACTED] at any time.

(b)(6),(b)(7)(C) SA [REDACTED] provided an affidavit memorializing his statement. (Exhibit 3)

(b)(6),(b)(7)(C) On January 12, 2011, Fact Finder [REDACTED] interviewed SA [REDACTED] concerning (b)(6),(b)(7)(C)  
this  
(b)(6),(b)(7)(C) allegation. SA [REDACTED] provided the following information:  
(b)(6),(b)(7)(C) SA [REDACTED] stated that he did not begin work at the HSI ASAC/JX office until December  
of 2008.  
He therefore did not participate or assist in the HSI investigation of [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] until  
after that time.  
(b)(6),(b)(7)(C) SA [REDACTED] stated that his only contact with [REDACTED] was on August 25,  
2010 after  
he was arrested and brought to the ASAC/JX office. SA [REDACTED] stated on that occasion (b)(6),(b)(7)(C)  
he  
(b)(6),(b)(7)(C) interviewed [REDACTED] regarding the subject of another open HSI  
investigation,  
(b)(6),(b)(7)(C) [REDACTED] while [REDACTED] was in the detention area.



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(b)(6),(b)(7)(C) SA [REDACTED] stated that at no point in the investigation of [REDACTED] did he (b)(6),(b)(7)(C)  
hear SA

(b)(6),(b)(7)(C) [REDACTED] or any other ICF or HSI employee make any of the racially or religiously  
derogatory  
(b)(6),(b)(7)(C) remarks attributed to SA [REDACTED] by the complainant.

(b)(6),(b)(7)(C) SA [REDACTED] provided an affidavit memorializing his statement. (Exhibit 4)

(b)(6),(b)(7)(C) On January 13, 2011, Fact Finder [REDACTED] made a second attempt to contact the  
complainant

(b)(6),(b)(7)(C) [REDACTED] This attempt was made via telephone to (904) 786 [REDACTED] The call was (b)(6),(b)(7)(C)  
answered by  
a machine, and a second message was left requesting the complainant to return Fact  
Finder

(b)(6),(b)(7)(C) [REDACTED] call for the purpose of scheduling an interview.

(b)(6),(b)(7)(C) On January 13, 2011, Fact Finder [REDACTED] interviewed SA [REDACTED] concerning this (b)(6),(b)(7)(C)  
allegation.

(b)(6),(b)(7)(C) SA [REDACTED] provided the following information:

(b)(6),(b)(7)(C) SA [REDACTED] stated that the predication for his investigation of [REDACTED] was (b)(6),(b)(7)(C)  
as

(b)(6),(b)(7)(C) follows. SA [REDACTED] stated that as part of his regularly assigned duties from November  
of 2004

through 2008, he was tasked with conducting a joint case involving the Federal Bureau of  
Investigation (FBI), the US Coast Guard (USCG), US Customs and Border Protection  
(CBP), and

several other agencies as part of an FBI Joint Terrorism Task Force (JTTF) led initiative  
to assess

vulnerabilities at, and to better secure, the port of Jacksonville, FL. SA [REDACTED] stated (b)(6),(b)(7)(C)  
that it was

in that capacity that he received a telephone call on or about May 04, 2007, from CBP  
Officer

(b)(6),(b)(7)(C) [REDACTED] SA [REDACTED] stated that the purpose of that telephone call was to inform  
SA

(b)(6),(b)(7)(C) [REDACTED] and the FBI JTTF in general of the detention and arrest by CBP Officers at the  
port of

(b)(6),(b)(7)(C) Jacksonville of [REDACTED] SA [REDACTED] stated that [REDACTED] was a citizen of (b)(6),(b)(7)(C)  
Niger

then in the US illegally by virtue of having overstayed his F-1 student visa, and that he had made a false claim to US citizenship to the CBP officers in conjunction with their investigation into his attempt to illegally export an automobile to Niger. SA [REDACTED] stated that he and USCG Officer [REDACTED]

(b)(6),(b)(7)(C)

[REDACTED] responded to the port of Jacksonville, and that they transported [REDACTED] back to the HSI ASAC/JX office where SA [REDACTED] processed the subject for deportation.

(b)(6),(b)(7)(C)

SA [REDACTED] stated that later during that same week of approximately May 04, 2007, he received two more calls from CBP Officers at the port of Jacksonville regarding male citizens of Niger, who were illegally present in the US, and who were each attempting to export an automobile to Niger

illegally. SA [REDACTED] identified these two individuals as [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

SA [REDACTED] stated that on both of those occasions he responded to the port of Jacksonville and took custody of the individuals from CBP Officers, and transported them back to the HSI ASAC/JX office where they were processed for deportation. SA [REDACTED] further stated that

(b)(6),(b)(7)(C)

both of these individuals were also later prosecuted for criminal violations as well.

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(b)(6),(b)(7)(C) [REDACTED]  
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10. NARRATIVE

(b)(6),(b)(7)(C) SA [REDACTED] stated that [REDACTED] became known to him as part of his investigation into the preceding three individuals. SA [REDACTED] stated that [REDACTED] was identified as a previous registered owner of one of the vehicles that had been attempted to be exported illegally. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SA [REDACTED] stated that this was the predication of his investigation of [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SA [REDACTED] stated that during the course of his investigation of Mr. [REDACTED] it was discovered (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) that Mr. [REDACTED] was also a citizen of Niger who had overstayed an F-1 student visa, and had (b)(6),(b)(7)(C)

procured a counterfeit Resident Alien Receipt Card. SA [REDACTED] stated that Mr. [REDACTED] was (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) convicted of possession of the counterfeit Resident Alien Receipt Card, and was ordered deported by an Immigration Judge during the course of his investigation. SA [REDACTED] further stated that Mr. [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) remained free on bond after his criminal conviction and deportation order while his appeal of the deportation order was pending. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SA [REDACTED] further stated that on July 28, 2010, Mr. [REDACTED] appeal of his deportation order (b)(6),(b)(7)(C)

was dismissed by the Board of Immigration Appeals. SA [REDACTED] stated that he became aware of this fact on August 04, 2010, when he received an email from [REDACTED] the DHS Office of the Principal Legal Advisor (OPLA) attorney who had handled [REDACTED] case for the government. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SA [REDACTED] stated that pursuant to the email that he received from OPLA attorney [REDACTED] on August 04, 2010, that he made two unsuccessful attempts over the next few weeks to locate and (b)(6),(b)(7)(C) arrest [REDACTED] SA [REDACTED] further stated that after the second unsuccessful attempt to (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) locate and arrest [REDACTED] he contacted [REDACTED] US Probation Officer (PO)  
(b)(6),(b)(7)(C) [REDACTED]  
(b)(6),(b)(7)(C) [REDACTED] and requested his assistance. SA [REDACTED] stated that PO [REDACTED] agreed to schedule (b)(6),(b)(7)(C)  
Mr.  
(b)(6),(b)(7)(C) [REDACTED] to come to the US Probation Office in Jacksonville, FL at 9:00AM on August  
25, 2010.  
(b)(6),(b)(7)(C) SA [REDACTED] further stated that when [REDACTED] showed up at the US  
Probation Office  
approximately an hour and a half past his appointment that he was taken into custody  
without  
incident and was turned over to ICE detention that same day. SA [REDACTED] stated that he (b)(6),(b)(7)(C)  
has had  
(b)(6),(b)(7)(C) no further contact with Mr. [REDACTED] since that time.  
(b)(6),(b)(7)(C) SA [REDACTED] also stated that during the course of his investigation of Mr. [REDACTED] he (b)(6),(b)(7)(C)  
and SA  
(b)(6),(b)(7)(C) [REDACTED] met with the then Niger Consul at the ASAC/JX office. SA [REDACTED] (b)(6),(b)(7)(C)  
stated that the  
meeting took place in approximately December of 2007, approximately three months  
after Mr.  
(b)(6),(b)(7)(C) [REDACTED] first HSI arrest on October 05, 2007. SA [REDACTED] stated that the Niger (b)(6),(b)(7)(C)  
Consul had  
(b)(6),(b)(7)(C) come to Jacksonville from Washington, D.C. at least in part to speak to SA [REDACTED] (b)(6),(b)(7)(C)  
regarding his  
investigative efforts that had led to the arrests of four Niger citizens over the preceding  
five  
(b)(6),(b)(7)(C) months. SA [REDACTED] stated that the meeting with the Niger Consul was both cordial and  
informative, and that at the conclusion of the meeting the Consul stated that he was  
satisfied and

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understood the reasons for each of the four arrests that had occurred in SA [REDACTED] case. (b)(6),(b)(7)(C)

SA [REDACTED] provided an affidavit memorializing his statement. (Exhibit 5)

On January 13, 2011, Fact Finder [REDACTED] obtained a copy of the August 04, 2010 email from

OPLA attorney [REDACTED] to SA [REDACTED] advising that [REDACTED] appeal of his deportation order (b)(6),(b)(7)(C)

had been dismissed by the Board of Immigration Appeals, and that [REDACTED] (b)(6),(b)(7)(C)

[REDACTED] was

subject to immediate removal from the US. (Exhibit 7)

On January 14, 2011, Fact Finder [REDACTED] received a telephone call from [REDACTED] (b)(6),(b)(7)(C)

During that call, Fact Finder [REDACTED] informed [REDACTED] that DHS CRCL SA [REDACTED] would also like to participate via conference call on her interview. The complainant agreed to be interviewed on

Wednesday, January 19, 2011, at 10:00AM.

On January 19, 2011, Fact Finder [REDACTED] and SA [REDACTED] placed a conference call to Ms. (b)(6),(b)(7)(C)

[REDACTED] at (904)-786-[REDACTED] was informed of the nature and scope of the administrative inquiry being conducted, and was read an advisement of her rights pursuant to Title 18 USC 1001. (b)(6),(b)(7)(C)

[REDACTED] then consented to the interview and provided the following information:

When asked if she had ever met SA [REDACTED] personally, [REDACTED] stated that she had, only once, (b)(6),(b)(7)(C)

briefly while SA [REDACTED] was in a vehicle parked curbside near her residence located at 1050

Victory Lake Drive, Jacksonville, FL. [REDACTED] stated that this meeting took place before 2007. (b)(6),(b)(7)(C)

[REDACTED] stated that SA [REDACTED] identified himself to her, asked who she was, and asked if she

knew [REDACTED] and his wife. [REDACTED] stated that she told SA [REDACTED] at that time (b)(6),(b)(7)(C)

that she knew both [REDACTED] and his wife, and that both subjects had visited her at

(b)(6),(b)(7)(C)

her residence. [REDACTED] also stated that SA [REDACTED] made a comment to the effect of "these people pretend to be helpless so that they can use Americans" at some point during that meeting.

When asked if she had ever met with any other HSI ASAC/JX Special Agents or supervisors at

(b)(6),(b)(7)(C)

any other time [REDACTED] stated that she had not.

When asked about the part of her complaint where she alleged that SA [REDACTED] and two others

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

came to her house without a warrant where [REDACTED] was living and knocked loudly and did

(b)(6),(b)(7)(C)

damage to her door. [REDACTED] stated that in approximately June or July of 2010 she believed that

(b)(6),(b)(7)(C)

SA [REDACTED] and others went to her residence located at [REDACTED] FL, and

(b)(6),(b)(7)(C)

that they knocked loudly and kicked her back door doing damage to it. [REDACTED] further stated

(b)(6),(b)(7)(C)

that she was not present at the residence at that time, but that both [REDACTED] and his

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

mother were inside the residence. [REDACTED] stated that [REDACTED] related to her that there

(b)(6),(b)(7)(C)



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(b)(6),(b)(7)(C) was a dent in the exterior storm door. [REDACTED] stated that she did go to the residence after she

(b)(6),(b)(7)(C) was called by [REDACTED] but by that time the agents had left.

When asked if she had attempted at any time to make anyone aware of the alleged damage to her

door other than through the complaint in this administrative inquiry [REDACTED] indicated (b)(6),(b)(7)(C) that she

had made approximately two phone calls to the Jacksonville Sheriff's Office in an effort to contact

Homeland Security, but that she had eventually let the matter go without making contact with

anyone at Homeland Security.

When asked if she had any evidence of actual damage that had been done to her door such as

photographs, estimates for repairs, or actual bills, [REDACTED] stated that she did not. Ms. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] further stated that the damage was not of a sufficient extent that she had ever contemplated

having repairs made to it.

(b)(6),(b)(7)(C) [REDACTED] also stated that on another occasion she was present in her house with both

(b)(6),(b)(7)(C) [REDACTED] and his mother when HSI agents came and knocked on her door identifying themselves as federal agents, and that she refused to answer the door at that time. Ms. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] did not allege that any damage was done to her house at that time.

When asked if she had ever spoken with any official representative from the government of Niger

about her complaints of religious and racial profiling against SA [REDACTED] [REDACTED] (b)(6),(b)(7)(C)

stated that she

had not. When asked specifically what personal observations she had had with respect to her allegations

(b)(6),(b)(7)(C) that SA [REDACTED] had racially and religiously profiled numerous citizens of Niger to include

(b)(6),(b)(7)(C) [REDACTED] [REDACTED] responded that the only allegation in her complaint that

she had

personal direct knowledge of was the fact that SA [REDACTED] had used the term "these people" when

(b)(6),(b)(7)(C)

speaking with her that day at her residence. [REDACTED] further stated that the balance of her

allegations against SA [REDACTED] were inferences that she had made taken from conversations with various third parties.

Fact Finder [REDACTED] provided a self affidavit memorializing his interview of Ms.

(Exhibit 6)

#### EXHIBITS LIST:

Exhibit 1 – Affidavit of Probation Office [REDACTED]

Exhibit 2 – Affidavit of SA [REDACTED]

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(b)(6),(b)(7)(C)

Exhibit 3 – Affidavit of SA

(b)(6),(b)(7)(C)

Exhibit 4 – Affidavit of SA

(b)(6),(b)(7)(C)

Exhibit 5 – Affidavit of SA

(b)(6),(b)(7)(C)

Exhibit 6 – Self Affidavit of Fact Finder

|                  |                            |
|------------------|----------------------------|
| <b>Type:</b>     | Info                       |
| <b>Producer:</b> | Oracle XML Publisher 5.6.3 |



**AFFIDAVIT**  
Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility

State of Florida  
County of Duval

(b)(6),(b)(7)(C) I, [REDACTED], who after being duly sworn state the following:

Question: What is your full name?

(b)(6),(b)(7)(C) Answer: [REDACTED]

Question: What is the name of your employer?

Answer: US Probation

Question: What is your work address?

(b)(6),(b)(7)(C) Answer: [REDACTED]

Question: What is your current work telephone number?

(b)(6),(b)(7)(C) Answer: (904) 30 [REDACTED]

Question: What is your title, and duty station?

Answer: US Probation Officer, Jacksonville, FL

Question: How long have you worked at this location?

Answer: Since 2002

[REDACTED] (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Do you understand that I am here today to ask you questions as part of an official DHS ICE investigation into allegations made against an ICE special agent?

**Answer:** Sure.

**Question:** Are you willing to answer my questions at this time?

**Answer:** Yes.

**Question:** What was your involvement in the arrest of [REDACTED] by ICE agents at your office on August 25, 2010?

(b)(6),(b)(7)(C)

**Answer:** I scheduled an appointment for the defendant to come in on August 25, 2010, so that the ICE agents could arrest him outside of the courthouse.

**Question:** Were you present when the ICE special agents arrested [REDACTED] [REDACTED]?

(b)(6),(b)(7)(C)

**Answer:** Yes.

**Question:** Where exactly did that arrest take place?

**Answer:** Right at the door to the US Probation Office on the sixth floor of the federal courthouse in Jacksonville, FL.

**Question:** To the best of your recollection, who were the ICE agents that came to your office on August 25, 2010 to arrest [REDACTED] [REDACTED]?

(b)(6),(b)(7)(C)

[REDACTED] ///  
Affiant's Initials and Date

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) Answer: [redacted] was one, and there were two more I think whose names I do not remember.

(b)(6),(b)(7)(C) Question: With regard to the arrest of [redacted] by ICE agents at your office on August 25, 2010, did ICE special Agent (b)(6),(b)(7)(C) [redacted] make any racially or religiously derogatory comments in your presence to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

(b)(6),(b)(7)(C) Answer: I do not recall any comments of that nature being said by special agent (b)(6),(b)(7)(C) [redacted] when (b)(6),(b)(7)(C) [redacted] was arrested in my presence on August 25, 2010.

(b)(6),(b)(7)(C) Question: With regard to the arrest of [redacted] by ICE agents at your office on August 25, 2010, did any ICE special Agent make any racially or religiously derogatory comments in your presence to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

(b)(6),(b)(7)(C) Answer: I do not recall any comments of that nature being spoken by any ICE special agent when (b)(6),(b)(7)(C) [redacted] was arrested in my presence on August 25, 2010.

(b)(6),(b)(7)(C) Question: Were you ever present at any other time when (b)(6),(b)(7)(C) [redacted] was arrested by ICE special agents?

Answer: No.

(b)(6),(b)(7)(C) [redacted] */ / / / /*  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Did you prepare a report regarding the above arrest?

**Answer:** No:

**Question:** Is there anything else you wish to add at this time?

**Answer:** I see no wrongdoing.

The contents of this statement consisting of 04 pages, each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promises of reward having been made to me in return for it.

**Subscribed and Sworn to by**

[Redacted Signature]

**Signature of Affiant**

**Subscribed and sworn to before me this 11<sup>th</sup> day of January, 2011.**

**At: (Address)** [Redacted] **Jacksonville, FL 32202 (Time) 2:45PM**

**Signature of Fact Finder:** [Redacted Signature]

**Printed Name of Witness:** [Redacted Name]

**Signature of witness:** [Redacted Signature]

**Fact Finder  
ICE Office of Investigations**

[Redacted Initials and Date]  
**Affiant's Initials and Date**

(b)(6),(b)(7)(C)

**AFFIDAVIT**  
Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility

State of Florida  
County of Duval

(b)(6),(b)(7)(C) I, [REDACTED], who after being duly sworn state the following:

Question: What is your full name?

(b)(6),(b)(7)(C) Answer: [REDACTED]

Question: What is the name of your employer?

Answer: DHS/ICE/HSI/ASAC/Jacksonville

Question: What is your work address?

(b)(6),(b)(7)(C) Answer: [REDACTED] Jacksonville, FL 32216

Question: What is your current work telephone number?

(b)(6),(b)(7)(C) Answer: (904) 281-[REDACTED]

Question: What is your title, and duty station?

Answer: ICE/HSI Special Agent, Jacksonville, FL

Question: How long have you worked at this location?

Answer: Since May 10, 2009

[REDACTED] 1/12/2011 (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Do you understand that I am here today acting as a Fact Finder on behalf of the ICE Office of Professional Responsibility (OPR) to conduct an official DHS ICE investigation into allegations made against an ICE special agent?

**Answer:** Yes.

**Question:** Have you reviewed and signed the forms advising you that you are not the subject of this investigation; the warning not to disclose the nature of this interview, and a Title 18 Section 1001 advisory?

**Answer:** Yes.

**Question:** Are you willing to answer my questions at this time?

**Answer:** Yes.

**Question:** I have shown you copies of two I-213's documenting two arrests of (b)(6),(b)(7)(C) by ICE agents in Jacksonville, FL. The first arrest occurred on 10/05/2007 at the Citizenship and Immigration Services (CIS) office next door, and the second took place at the US Probation office located at the federal courthouse in Jacksonville, FL, on 08/25/2010. Do you remember this individual?

**Answer:** Yes. I was involved in the 2010 arrest of this subject.

**Question:** What role if any did you have in the investigation leading up to and including the arrest of (b)(6),(b)(7)(C) at the CIS office on 10/05/2007?

(b)(6),(b)(7)(C)

[Redacted Signature]

Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

**Answer:** None. I was not yet employed by ICE HSI.

**Question:** What role if any did you have in the investigation leading up to and including the arrest of [REDACTED] at the US Probation office in Jacksonville, FL on 08/25/2010?

**Answer:** I assisted SA's [REDACTED] [REDACTED] [REDACTED] [REDACTED] and possibly SA [REDACTED] with an attempt to locate the subject in the late summer of 2010. To my knowledge I assisted with the first attempt to locate [REDACTED]. On that occasion we checked two addresses near either a hospital or medical facility and also near a parking structure, I don't recall the address or the name of the street the houses we went to was on, but I do remember it was in a downtown Jacksonville neighborhood. I also remember that we did not find the subject on that occasion.

The next time I was involved in the [REDACTED] case was the day he was arrested at the US Probation Office in Jacksonville, FL. On that occasion I accompanied SA's [REDACTED] and [REDACTED] to the US Probation Office. We established surveillance at the Jacksonville Federal Courthouse in an attempt to locate and arrest [REDACTED] when he reported to his probation officer. After being there for over an hour [REDACTED] had not shown up so we went inside to the Probation Office and spoke to his probation officer. Upon leaving the probation office [REDACTED] was observed in the waiting room. He was arrested at that time and transported to the ICE office by SA's [REDACTED] and [REDACTED] after being allowed to speak with his probation officer.

**Question:** Have you ever met [REDACTED] the complainant in this investigation?

**Answer:** No.

[REDACTED] 1/12/2011  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did ICE Special Agent  
(b)(6),(b)(7)(C) [REDACTED] make any racially or religiously derogatory comments  
(b)(6),(b)(7)(C) to or about [REDACTED] in your presence to the effect  
of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No.

(b)(6),(b)(7)(C) Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did any ICE Special  
(b)(6),(b)(7)(C) Agent make any racially or religiously derogatory comments to or  
about [REDACTED] in your presence to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No.

(b)(6),(b)(7)(C) Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did you make any  
(b)(6),(b)(7)(C) racially or religiously derogatory comments to or about [REDACTED]  
[REDACTED] to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"

[REDACTED] 1/12/2011  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No.

Question: Is there anything else you wish to add at this time?

Answer: Not that I can think of.

The contents of this statement consisting of 05 pages, each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promises of reward having been made to me in return for it.

Subscribed and Sworn to by

Signature of Affiant

Subscribed and sworn to before me this 12<sup>th</sup> day of January, 2011,

At: (Address [redacted] Jacksonville, FL 32216 (Time) 12:50PM

Signature of Fact Finder: [redacted]

Printed Name of Witness: [redacted]

Signature of witness: [redacted]

Fact Finder  
ICE Office of Investigations

[redacted] 1/12/2011  
Affiant's Signature and Date

(b)(6),(b)(7)(C)



**AFFIDAVIT**  
Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility

State of Florida  
County of Duval

(b)(6),(b)(7)(C)

I, [REDACTED], who after being duly sworn state the following:

Question: What is your full name?

(b)(6),(b)(7)(C)

Answer: [REDACTED]

Question: What is the name of your employer?

Answer: DHS/ICE/HSI/ASAC/Jacksonville

Question: What is your work address?

(b)(6),(b)(7)(C)

Answer: [REDACTED] Jacksonville, FL 32216

Question: What is your current work telephone number?

(b)(6),(b)(7)(C)

Answer: (904) 281-[REDACTED]

Question: What is your title, and duty station?

Answer: ICE/HSI Special Agent, Jacksonville, FL

Question: How long have you worked at this location?

Answer: Since February 16, 2010.

[REDACTED] 01/12/11 (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Do you understand that I am here today acting as a Fact Finder on behalf of the ICE Office of Professional Responsibility (OPR) to conduct an official DHS ICE investigation into allegations made against an ICE special agent?

**Answer:** Yes.

**Question:** Have you reviewed and signed the forms advising you that you are not the subject of this investigation; the warning not to disclose the nature of this interview, and a Title 18 Section 1001 advisory?

**Answer:** Yes.

**Question:** Are you willing to answer my questions at this time?

**Answer:** Yes.

**Question:** I have shown you copies of two I-213's documenting two arrests of (b)(6),(b)(7)(C) by ICE agents in Jacksonville, FL. The first arrest occurred on 10/05/2007 at the Citizenship and Immigration Services (CIS) office next door, and the second took place at the US Probation office located at the federal courthouse in Jacksonville, FL, on 08/25/2010. Do you remember this individual?

**Answer:** Yes. I was involved in the 2010 arrest of this subject.

**Question:** What role if any did you have in the investigation leading up to and including the arrest of (b)(6),(b)(7)(C) at the CIS office on 10/05/2007?

(b)(6),(b)(7)(C) 01/12/11  
Affiant's Initials and Date

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

**Answer:** None. I was not yet employed by ICE HSI ASAC Jacksonville.

**Question:** What role if any did you have in the investigation leading up to and including the arrest of [REDACTED] at the US Probation office in Jacksonville, FL on 08/25/2010?

**Answer:** I assisted SA [REDACTED] on three occasions in the late summer of 2010. On two occasions we were unsuccessful in locating [REDACTED] and on the third occasion we arrested [REDACTED] at the US Probation office located in the Federal Courthouse building in downtown Jacksonville.

On the first occasion myself and SA's [REDACTED] and [REDACTED] attempted to locate and arrest [REDACTED] at [REDACTED] in Jacksonville, FL. This address was common to both a case I was working, [REDACTED] and to SA [REDACTED] case involving [REDACTED]. We originally went to [REDACTED] in an attempt to locate both [REDACTED] and [REDACTED]. When we arrived on our first attempt to locate these individuals, we at first went to the wrong house, [REDACTED]. No one was interviewed at the [REDACTED]. However, we quickly realized the error and proceeded to [REDACTED] where we knocked at the residence in an attempt to locate the subjects. No one answered on this occasion and no activity was observed within the residence. A neighbor immediately south of [REDACTED] was interviewed and shown photographs of both [REDACTED] and [REDACTED]. That neighbor positively identified [REDACTED] as a resident of [REDACTED]. Also, a pedestrian was interviewed and shown photographs of [REDACTED] and [REDACTED]. That pedestrian indicated that he too recognized [REDACTED] as a resident of [REDACTED] and that he often saw him and the other occupants of [REDACTED] dressed in what he termed to be "African attire." We all departed the area at that point.

On the second occasion, approximately a week after the first attempt, I, SA [REDACTED] and [REDACTED] returned to [REDACTED] and again attempted to locate either [REDACTED] or [REDACTED]. SA [REDACTED] and I went to the front door and knocked while SA [REDACTED] went to the back of the house. No one answered our knocks. SA [REDACTED] told me that he saw what he thought was a female subject dressed in African attire near the rear of the residence. Later, I observed what appeared to be a female subject dressed in African attire pass by the front door on her way to a visible staircase. That

[REDACTED] 08/12/10  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

subject did not respond to my visible presence at the front door or my knocking. After about ten minutes of no response from the individual in the residence, we all took up a surveillance position overlooking the residence from a parking structure located across the street. Very shortly after that two marked Jacksonville Sheriff's Office (JSO) units containing three officers arrived at [REDACTED] and parked in front of the residence. We all proceeded down from our surveillance to meet with the JSO officers and informed them of our identities and purpose for being at the residence. We also informed the JSO officers that we had observed at least one individual inside the residence who had refused to meet with us. The JSO officers then offered to knock on our behalf and did so. Again, no one from inside the residence came to the door. In discussions with the JSO officers, it was learned that they were sent to [REDACTED] in response to a reported burglary in progress. At that point both the JSO officers and all the ICE SA's cleared the area.

(b)(6),(b)(7)(C)

On the third occasion, I along with SA [REDACTED] assisted SA [REDACTED] in the arrest of [REDACTED] at the US Probation office in Jacksonville, FL. Pursuant to arrangements that SA [REDACTED] made with [REDACTED] probation officer, we established surveillance at the Federal Courthouse to observe and arrest [REDACTED] when he reported to his probation officer on August 25, 2010. However, after [REDACTED] was over 45 minutes late, we proceeded into the Probation Office to speak with the probation officer in an attempt to ascertain if he had made contact with [REDACTED]. While we were there the probation officer attempted to contact [REDACTED] by telephone, but was unsuccessful. Upon leaving the Probation office [REDACTED] was observed sitting in the waiting room. SA's [REDACTED] and [REDACTED] effected the arrest at that time, and after letting [REDACTED] meet with his probation officer, he was transported to the ICE office for processing. I did not participate in that processing.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Question:** Have you ever met [REDACTED] the complainant in this investigation?

**Answer:** No I have never met her, but I believe she is the property owner of the [REDACTED]

[REDACTED] 01/12/11  
Affiant's Initials and Date

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did ICE Special Agent  
[REDACTED] make any racially or religiously derogatory comments  
(b)(6),(b)(7)(C) to or about [REDACTED] in your presence to the effect  
(b)(6),(b)(7)(C) of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No.

Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did any ICE Special  
(b)(6),(b)(7)(C) Agent make any racially or religiously derogatory comments to or  
about [REDACTED] in your presence to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No.

Question: At any point in your involvement in the case of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] by ICE agents at your office, did you make any  
(b)(6),(b)(7)(C) racially or religiously derogatory comments to or about [REDACTED]  
(b)(6),(b)(7)(C) [REDACTED] to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

[REDACTED] 01/12/11  
Affiant's Initials and Date

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

**Answer:** No.

**Question:** Is there anything else you wish to add at this time?

**Answer:** Not really, it's all contained in the body of the affidavit.

The contents of this statement consisting of 06 pages, each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promises of reward having been made to me in return for it.

**Subscribed and Sworn to by**

(b)(6),(b)(7)(C)

Signature of Affiant

**Subscribed and sworn to before me this 12<sup>th</sup> day of January, 2011.**

(b)(6),(b)(7)(C)

**At: (Address)** Jacksonville, FL 32216 **(Time)** 2:40PM

(b)(6),(b)(7)(C)

**Signature of Fact Finder:**

(b)(6),(b)(7)(C)

**Printed Name of Witness:**

(b)(6),(b)(7)(C)

**Signature of witness:**

(b)(6),(b)(7)(C)

**Fact Finder  
ICE Office of Investigations**

(b)(6),(b)(7)(C)  
Affiant's Initials and Date 01/12/11



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**ADVISEMENT**  
**TITLE 18, UNITED STATES CODE, SECTION 1001**

Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States, knowingly and willfully:

- 1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- 2) Makes any materially false, fictitious, or fraudulent statement or representation; or
- 3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than five (5) years, or both

I have been advised that Title 18, United States Code, Section 1001, is a federal law. I have read the above information and understand the provisions of Title 18, United States Code, Section 1001, and the possible penalties for violation of this law. I also understand that violation of this law is a felony offense.

(b)(6),(b)(7)(C)

This advisement was made prior to the interview of

(Employee's Name)

on 01/12/2011 (mm/dd/yyyy) at 1:05 PM (time, a.m./p.m.)

(b)(6),(b)(7)(C)

Name and Title of Interviewing Official  
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

Employee Signature

**AFFIDAVIT**  
**Department of Homeland Security**  
**Immigration and Customs Enforcement**  
**Office of Professional Responsibility**

State of Florida  
County of Duval

(b)(6),(b)(7)(C) I [REDACTED], who after being duly sworn state the following:

Question: What is your full name?

(b)(6),(b)(7)(C) Answer: [REDACTED]

Question: What is the name of your employer?

Answer: DHS/ICE/HSI/ASAC/Jacksonville

Question: What is your work address?

(b)(6),(b)(7)(C) Answer: [REDACTED] Jacksonville, FL 32216

Question: What is your current work telephone number?

(b)(6),(b)(7)(C) Answer: (904) 281 [REDACTED]

Question: What is your title, and duty station?

Answer: ICE/HSI Special Agent, Jacksonville, FL

Question: How long have you worked at this location?

Answer: Since December 04, 2008.

[REDACTED] 01/12/2011 (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Do you understand that I am here today acting as a Fact Finder on behalf of the ICE Office of Professional Responsibility (OPR) to conduct an official DHS ICE investigation into allegations made against an ICE special agent?

**Answer:** Yes.

**Question:** Have you reviewed and signed the forms advising you that you are not the subject of this investigation; the warning not to disclose the nature of this interview, and a Title 18 Section 1001 advisory?

**Answer:** Yes.

**Question:** Are you willing to answer my questions at this time?

**Answer:** Yes.

**Question:** I have shown you copies of two I-213's documenting two arrests of (b)(6), (b)(7)(C) by ICE agents in Jacksonville, FL. The first arrest occurred on 10/05/2007 at the Citizenship and Immigration Services (CIS) office next door, and the second took place at the US Probation office located at the federal courthouse in Jacksonville, FL, on 08/25/2010. Do you remember this individual?

**Answer:** Yes. I remember his name, I had a case on two of his associates (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). I believe that (b)(6), (b)(7)(C) was an acquaintance of my two subjects. I interviewed (b)(6), (b)(7)(C) in my office on August 25, 2010, regarding his association with DODO.

(b)(6), (b)(7)(C) 01/12/2011  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** What role if any did you have in the investigation leading up to and including the arrest of [REDACTED] at the CIS office on 10/05/2007?

**Answer:** None. I was not yet employed by ICE HSI ASAC Jacksonville.

**Question:** What role if any did you have in the investigation leading up to and including the arrest of [REDACTED] at the US Probation office in Jacksonville, FL on 08/25/2010?

**Answer:** I assisted SA [REDACTED] on one occasion in the late summer of 2010 when he was attempting to locate and arrest [REDACTED]. On that occasion I believe that I along with SA's [REDACTED] and possibly [REDACTED] went to an address near the Shands Hospital in downtown Jacksonville. I do not remember the street address of the residence. I do remember that we initially went to the wrong house, but very quickly realized the mistake and we proceeded to the correct house which was no more that two lots away. We knocked at that residence, but no one answered. We also spoke to a neighbor in passing, but we ultimately left the area without making contact with [REDACTED].

I did not participate in any further attempts to locate [REDACTED] or his arrest on August 25, 2010 at the US Probation Office in Jacksonville.

The only other contact I had with [REDACTED] was after he was arrested on August 25, 2010 while he was in the lockup at the ICE office. I interviewed him there regarding the subject of one of my cases, [REDACTED] case number [REDACTED].

**Question:** Have you ever met [REDACTED] the complainant in this investigation?

**Answer:** No not that I know of.

**Question:** At any point in your involvement in the case of [REDACTED] by ICE agents at your office, did ICE Special Agent [REDACTED]

**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[redacted] make any racially or religiously derogatory comments to or about [redacted] in your presence to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

**Answer:** No.

**Question:**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

At any point in your involvement in the case of [redacted] by ICE agents at your office, did any ICE Special Agent make any racially or religiously derogatory comments to or about [redacted] in your presence to the effect of:

(b)(6),(b)(7)(C)

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

**Answer:** No.

**Question:**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

At any point in your involvement in the case of [redacted] by ICE agents at your office, did you make any racially or religiously derogatory comments to or about [redacted] to the effect of:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

**Answer:** No.

[redacted] 01/12/2011  
Affiant's Initials and Date

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

**Question:** Is there anything else you wish to add at this time?

**Answer:** No.

The contents of this statement consisting of 05 pages, each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promises of reward having been made to me in return for it.

Subscribed and Sworn to by

Signature of Affiant

Subscribed and sworn to before me this 12<sup>th</sup> day of January, 2011,

At: (Address) Jacksonville, FL 32216 (Time) 4:15PM

Signature of Fact Finder:

Printed Name of Witness:

Signature of witness:

Fact Finder  
ICE Office of Investigations



**AFFIDAVIT**  
Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility

State of Florida  
County of Duval

(b)(6),(b)(7)(C) I, [REDACTED] who after being duly sworn state the following:

Question: What is your full name?

(b)(6),(b)(7)(C) Answer: [REDACTED]

Question: What is the name of your employer?

Answer: DHS/ICE/HSI/ASAC/Jacksonville

Question: What is your work address?

(b)(6),(b)(7)(C) Answer: [REDACTED] Jacksonville, FL 32216

Question: What is your current work telephone number?

(b)(6),(b)(7)(C) Answer: (904) 281 [REDACTED]

Question: What is your title, and duty station?

Answer: ICE/HSI Special Agent, Jacksonville, FL

Question: How long have you worked at this location?

Answer: Since November 2004.

[REDACTED] 1/13/11 (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

Question: Do you understand that I am here today acting as a Fact Finder on behalf of the ICE Office of Professional Responsibility (OPR) to conduct an official DHS ICE investigation and you are the subject of that investigation?

Answer: Yes.

Question: Have you reviewed and signed the forms advising you that you are the subject of this investigation to include; the general notice, the Kalkines Rights, administrative warning acknowledgement, warning not to disclose investigative information, and a Title 18 Section 1001 advisory?

Answer: Yes.

Question: Are you willing to answer my questions at this time?

Answer: Yes.

Question: I am here regarding an investigation that you conducted which involved (b)(6),(b)(7)(C) a citizen of Niger. He was arrested at least twice by you. The first arrest occurred on 10/05/2007 at the Citizenship and Immigration Services (CIS) office next door, and the second took place at the US Probation office located at the federal courthouse in Jacksonville, FL, on 08/25/2010. Do you remember this individual?

Answer: Yes.

Question: Was your investigation of this individual of a singular nature regarding only him, or was he associated with a larger case?

(b)(6),(b)(7)(C)



Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

**Answer:** It derived from my larger investigation, my general Critical Infrastructure Protection (CIP) case which identified the port of Jacksonville as one of several potentially vulnerable CIP assets throughout the ASAC/Jacksonville Area of Operations (AOR).

**Question:** What were the TECS case numbers if any for this investigation, and what was the objective of your case?

**Answer:** My investigation of [REDACTED] was part of one of the three primary cases I opened in TECS for continuity purposes due to the necessity to close general cases at the end of each fiscal year. The original case was [REDACTED] followed by [REDACTED] and [REDACTED]. These investigations covered the period from approximately November 2004 through the end of 2008, when ICE HQ made a determination that general CIP cases would no longer be opened, and instead, more narrowly focused Worksite cases would address CIP issues. I have not had an open CIP general case since that time. The objective of these cases was to identify and address inappropriate access by aliens, and more specifically special interest aliens, to the critical infrastructure institutions of this country. The part of my case involving [REDACTED] was the result of an initiative to secure the port of Jacksonville, FL. This initiative to secure the port of Jacksonville began in November of 2004 and continued through approximately 2008. Approximately 100 unauthorized aliens were identified and arrested by ICE as part of the port of Jacksonville initiative. Of those, approximately 40 subjects were also criminally convicted of possessing and using counterfeit Resident Alien Cards. [REDACTED] also a special interest alien, was one of the subjects identified and convicted of possessing and using a counterfeit Resident Alien Card, and he is indexed in the third case, [REDACTED].

**Question:** You have identified [REDACTED] as a special interest alien from Niger. Were there additional special interest aliens from Niger that were part of your investigation?

**Answer:** There were approximately 12-15 security guards from Niger in total, and of those, approximately 7 were also criminally convicted of various violations in addition to being amenable to immigration removal proceedings for various reasons.

[REDACTED]

Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

Question: Give me some background on how you became aware of these special interest aliens from Niger and how you came to be aware of

Answer: From 2005 to 2008 I was working with [redacted] who was at that time a Coast Guard CJIS officer assigned to the local Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). On approximately May 04, 2007 I contacted [redacted] after I had received information from Customs and Border Protection (CBP) Chief Officer [redacted] Officer [redacted] related to me that another CBO Officer, [redacted] has encountered [redacted] [redacted] at the port of Jacksonville while [redacted] was attempting to export a vehicle to Niger. At that time [redacted] was determined to be an F-1 student overstay, despite his initial claims to the CBP Officers that he was in fact a US citizen. CBP therefore referred [redacted] to ICE, and I along with [redacted] responded to the port of Jacksonville and took [redacted] into custody.

During the same week I received two additional referrals from CBP concerning foreign nationals from Niger attempting to export vehicles to Niger. These subjects were [redacted] [redacted] and [redacted]. Both of those individuals were referred to me from CBP as they had also illegally overstayed their visas. Additional law enforcement checks regarding these two individuals revealed that both had previously been licensed by the State of Florida as security guards. Both of these subjects were also prosecuted criminally in addition to being processed for deportation.

As part of my investigation into the three previous subjects who all were attempting to export vehicles, I conducted checks on the vehicle identification numbers (VIN) of the vehicles they attempted to export. The results of those checks included all previous owners associated with each VIN. All three of the previous subjects were identified as citizens of Niger, all were licensed as security guards in Florida, and all were then in the US illegally. Based upon that information I began conducting checks of the previous owners of the three vehicles that were presented for export. From those checks I ultimately determined that both [redacted] and [redacted] were also citizens of Niger and both were licensed by Florida as security guards. This was the predication for my investigation into [redacted]. Ultimately both of these

**Administrative Inquiry Affidavit  
(Continuation)**

individuals were also processed for deportation in addition to being convicted of criminal offenses.

Question: When was the first time that you interacted personally with

Answer: It would have been subsequent to an interview conducted by US Citizenship and Immigration Services (CIS) regard his current status.

Question: Tell me what happened in that encounter.

Answer: While [redacted] and his wife [redacted] were being interviewed by the CIS officer on 10/05/2007, I audibly monitored that interview. The purpose of the CIS interview was to address if in fact any marriage fraud had been committed. Through my investigation of [redacted] to that point I had already developed probable cause to arrest him for violations of falsely claiming to be a US citizen, in violation of Title 18 USC 911, and possessing and/or using a counterfeit Resident Alien Card in violation of Title 18 USC 1546. At the conclusion of the CIS interview, I took [redacted] into custody administratively for his false claims to US citizenship among other charges.

I also presented the above information to the US Attorney's Office in Jacksonville who authorized prosecution of [redacted] on the Title 18 USC 1546 charge. Ultimately, [redacted] was convicted of that charge on 01/16/2008 and sentenced to time served plus one week. While then out on bond, [redacted] was subsequently ordered removed from the US by an Immigration Judge (IJ) on 07/28/2009. His Bureau of Immigration Appeals (BIA) appeal of the IJ's decision was dismissed on 07/28/10.

Question: When did you next conduct any investigation into [redacted] subsequent to his release from jail on his criminal conviction?

Answer: On June 24, 2010 I was contacted by SA [redacted] in regards to a SEVIS violator that he was attempting to locate. His investigation revealed that his target [redacted] was associated with the same address as a previous violator,

11/13/11 [redacted]  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) [redacted] SA [redacted] advised me that a TECS (b)(6),(b)(7)(C)  
record indicated that I had previously arrested [redacted] At (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) that time [redacted] was not arrestable as his BIA appeal was  
still pending.

Question: What was you next investigative step with regard to [redacted]? (b)(6),(b)(7)(C)

Answer: On August 04, 2010 I received an email from Office of the Principal (b)(6),(b)(7)(C)  
Legal Advisor (OPLA) attorney [redacted] advising me that (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] BIA appeal had been dismissed and that he was  
now subject to arrest for removal from the US.

Question: What subsequent actions did you the take with respect to (b)(6),(b)(7)(C)  
[redacted]?

Answer: Between August 04, 2010, and when I arrested [redacted] the (b)(6),(b)(7)(C)  
last time on August 25, 2010, I conducted several drive bys of his  
last know address and I also made two unsuccessful attempts to  
locate and arrest him there.

Question: Tell me what happened the first time you attempted to locate and  
arrest him.

Answer: Using the latest address information obtained regarding (b)(6),(b)(7)(C)  
[redacted] which was the same address as SA [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) subject, [redacted] I attempted to locate and arrest him at [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] in Jacksonville, FL. Assisting me on this first attempt  
(b)(6),(b)(7)(C) were SA's [redacted] Initially we went to  
(b)(6),(b)(7)(C) the wrong address which was the house next door. We quickly  
realized our mistake and proceeded to the correct house without  
interacting with or interviewing anyone at the first residence. After  
(b)(6),(b)(7)(C) arriving at [redacted] we knocked on both the front and back  
(b)(6),(b)(7)(C) doors and did not make contact with anyone. SA [redacted] showed a (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) photograph of his subject, [redacted] to a landscaper working at the  
(b)(6),(b)(7)(C) house next door. The landscaper indicated that he had seen  
[redacted] at that residence within the past week. A second individual,  
a passer by, was interview who related that he frequently saw two

(b)(6),(b)(7)(C) [redacted]  
11/13/11  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

African gentlemen sitting on the front porch of [redacted] and that an older lady lived there with them. SA [redacted] gave the passer by a business card and asked the individual to contact the ICE office the next time he observed the male subjects at that residence. We all then left the area without making contact with anyone at [redacted]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Question: How were you and the other agents attired and equipped when you went to [redacted] the first time?

Answer: To the best of my recollection we were all attired in our ICE issued ballistic vests and displaying ICE insignia and badges. In addition SA's [redacted] and [redacted] were also equipped with ICE issued long guns.

Question: Tell me what happened the second time that you went to [redacted] attempting to locate [redacted]

Answer: This time I was assisted by SA's [redacted]. That time we knocked on both the front and back doors. [redacted] and I were at the front door and we observed through the window on the door what appeared to be a half hidden female in the kitchen area of the house approximately fifteen feet from the front door. We continued to knock and announce ourselves as officers with the Department of Homeland Security but the person in the house remained motionless. After another minute I observed the previously half hidden female who appeared to be an African American woman approaching the front door. Before reaching the front door she instead went upstairs in the residence and did not come to the front door. I made several attempts to identify myself to the woman and explained that I just needed to talk with her as she proceeded up the stairs. She did not respond in any way to my presence. I and the other agents then proceed to establish a surveillance of the house from a parking structure located across the street. While observing from our surveillance position we saw a marked Jacksonville Sheriffs Office (JSO) patrol car arrive at [redacted]. Assuming the vehicle had been called because of us we left our surveillance and met with the JSO officers in front of the house. After we identified ourselves as ICE agents to the JSO officers, SA [redacted] asked the JSO officers why they were there.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) JSO Officer [redacted] informed us that they were responding to a burglary in progress call which had come from the [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] residence. Agent [redacted] explained to officer [redacted] that (b)(6),(b)(7)(C)  
we were looking for two foreign nationals at that address for immigration violations. Officer [redacted] asked if it would be helpful (b)(6),(b)(7)(C)  
if she attempted to make contact with the female we had observed inside the residence. We agreed and Officer [redacted] then (b)(6),(b)(7)(C)  
knocked and announced herself. There was no answer to Officer [redacted]  
(b)(6),(b)(7)(C) [redacted] knock. We then thanked the JSO for their assistance and they departed the scene while we returned to our surveillance position. We continued to surveil the residence for approximately one more hour with no noticeable results before we all departed the area.

Question: How were you and the other agents attired when you went to [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] the second time?

Answer: To the best of my recollection we were all attired in our ICE issued ballistic vests and displaying ICE insignia and badges.

Question: What further her actions did you take to attempt to locate and arrest [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted]?

Answer: I contacted his local federal probation officer, [redacted] who (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) agreed to call [redacted] into the probation office at a set time.  
(b)(6),(b)(7)(C) [redacted] informed me later that same day that he had scheduled an appointment with [redacted] at the US probation office for August 25, 2010 at 9:00AM.

Question: Were you successful in arresting [redacted] on August 25, 2010? (b)(6),(b)(7)(C)

Answer: Yes. I and SA's [redacted] and [redacted] established surveillance at the federal courthouse approximately one hour before [redacted] (b)(6),(b)(7)(C)  
scheduled appointment with his probation officer. After waiting approximately an hour beyond his scheduled appointment we

11/13/11 [redacted] (b)(6),(b)(7)(C)  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

proceeded to the US Probation office to meet with Officer [REDACTED] and discuss further options. At the conclusion of our meeting with Officer [REDACTED] [REDACTED] was observed sitting in the reception area. I and SA [REDACTED] then identified ourselves to [REDACTED] and informed him we were there to take him into custody. Before effecting the arrest however, I allowed [REDACTED] to meet with his probation officer at his request. After a very brief meeting with his probation officer [REDACTED] was taken into custody and transported to the local ICE office. On our way to the ICE office and before leaving the federal courthouse grounds SA [REDACTED] at [REDACTED] request retrieved [REDACTED] personal property that he had temporarily placed in a bush outside the doors of the courthouse. This property consisted basically of a cell phone, an address book, and a religious artifact. [REDACTED] was administratively processed at the ICE office and turned over to Enforcement Removal Operations (ERO) without incident. [REDACTED] personal property was held at the ICE office until such time as I was able to release it to his attorney.

**Question:** Have you ever met [REDACTED] the complainant in this investigation?

**Answer:** No.

**Question:** At any point in your investigation did you have the opportunity to discuss this case with a representative of the government of Niger?

**Answer:** Yes. Approximately three months after I arrested [REDACTED] the first time, which would have been approximately December of 2007, I met with a gentleman from the Niger consulate from Washington, D.C. I do not recall the consul's name at this point. I met the consul during an address check of another Niger foreign national target while checking an address in Jacksonville. The consul answered the door at the residence when I arrived. The consul identified himself to me and showed me his credentials. After verifying for me that the subject who I was attempting to locate was not at that address, the consul indicated to me that he was interested in talking to me regarding the past arrests of multiple subjects from Niger in Jacksonville. The consul also indicated that

11/13/11 [REDACTED]  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

one of the purposes of his trip to Jacksonville was to try and arrange a meeting with me.

The consul asked me where my office was located and if I could make time to meet with him later that day as he was to be in Jacksonville for only two more days. I then gave the consul my business card and informed him that I would be available at his request. We then agreed that he would come to the ICE office about 10:00AM.

(b)(6),(b)(7)(C)

The consul then arrived at the ICE office at approximately 10:00 and I and SA [REDACTED] met with him for approximately half an hour. The consul was interested in obtaining the reasons for the arrests I had made of the Niger citizens in Jacksonville. I explained the circumstances surrounding the arrests of the Niger security guards as it related to my case. We also discussed why I was looking for the female earlier in the day, and I informed him that I had questions that were based on her coming to the US as a fourteen year old and being left here when her father returned to Niger, and that she may be a victim. The consul stated that he understood.

At the end of our meeting the consul thanked me for the meeting and stated to me that he was satisfied and understood the reasons for each of the arrests of Niger citizens that had occurred.

Question: Was any part of your investigation of [REDACTED] (b)(6),(b)(7)(C)  
conducted with the intention on your part to engage in racial or religious profiling?

Answer: No, absolutely not.

Question: At any point in your investigation of [REDACTED] by (b)(6),(b)(7)(C)  
did you make any racially or religiously derogatory comments to or about [REDACTED] to the effect of:

(b)(6),(b)(7)(C)

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

1113/11 [REDACTED] (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

Answer: No, absolutely not.

Question: At any point in your investigation of [REDACTED] did (b)(6),(b)(7)(C)  
any ICE Special Agent make any racially or religiously derogatory  
(b)(6),(b)(7)(C) comments to or about [REDACTED] in your presence  
to the effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No, absolutely not.

Question: At any point in your investigation of [REDACTED] did (b)(6),(b)(7)(C)  
anyone that you are aware of make any racially or religiously  
derogatory comments to or about [REDACTED] to the (b)(6),(b)(7)(C)  
effect of:

- 1) "Go tell your God that you pray to that I am going to send you home"
- 2) "We don't want people like you in this country"
- 3) "Every house I go in, I see this prayer rug, we don't want your kind here"
- 4) "these people pretend to be innocent and helpless so that they can use Americans"

Answer: No, absolutely not.

Question: Is there anything else you wish to add at this time?

Answer: Yes. One of the most important issues to me is the preservation of religious and racial freedom. I have committed myself to uphold and demand these issues. I swore an oath to my country to protect and defend the constitution. If I did not hold these sacred I would

1/13/11 [REDACTED] (b)(6),(b)(7)(C)  
Affiant's Initials and Date

**Administrative Inquiry Affidavit  
(Continuation)**

not risk my life every day to achieve it. If I believed for a second that my actions ever deprived someone of these freedoms that I defend I would consider my life to be a complete failure. I understand that my job forces me to get involved in and disrupt people's normal everyday life. I understand that my job causes people's lives to be affected dramatically. It is with this understanding that I do the best job that I can every day to ensure that I accomplish this in the most professional way possible.

The contents of this statement consisting of 12 pages, each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promises of reward having been made to me in return for it.

Subscribed and Sworn to by

[Redacted Signature]

Signature of Affiant

Subscribed and sworn to before me this 13<sup>th</sup> day of January, 2011,

At: (Address) 4121 Southpoint Blvd Jacksonville FL 32216 (Time) 5:55PM

Signature of Fact Finder:

Printed Name of Witness:

Signature of witness:

Fact Finder  
ICE Office of Investigations

[Redacted Initials]

Affiant's Initials and Date



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

GENERAL NOTICE

I am investigating the alleged RACIAL AND RELIGIOUS PROFILING

(b)(6),(b)(7)(C)

IN THE CASE OF

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C)

You, SA

(Employee's Name)

are the subject of the investigation concerning this matter.

One of the following must be checked.

☐ The general nature of this matter is criminal.

☒ The general nature of this matter is administrative.

One of the following must be checked.

☐ This interview is related to possible criminal misconduct by you.

☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C)

Employee's initials

Date 1/13/11

**AFFIDAVIT**  
**Department of Homeland Security**  
**Immigration and Customs Enforcement**  
**Office of Professional Responsibility**

State of Michigan  
County of Wayne

(b)(6),(b)(7)(C) I, [REDACTED] who after being duly sworn state the following:

(b)(6),(b)(7)(C) This is a self affidavit by [REDACTED] the Fact Finder for Administrative Inquiry 201100134, for the purpose of recording the interview Fact Finder [REDACTED] conducted (b)(6),(b)(7)(C) of the complainant, [REDACTED]. That interview was conducted telephonically on (b)(6),(b)(7)(C) January 19, 2011. At that time, Fact Finder [REDACTED] along with SA [REDACTED] of the (b)(6),(b)(7)(C) DHS CRCL office, placed a conference call to [REDACTED] at her residence.

(b)(6),(b)(7)(C) On January 19, 2011, Fact Finder [REDACTED] first placed a call to SA [REDACTED] and then (b)(6),(b)(7)(C) conferenced in Ms. [REDACTED] at (904) 786-[REDACTED]. Fact Finder [REDACTED] informed [REDACTED] (b)(6),(b)(7)(C) of the nature and scope of the administrative inquiry being conducted, and read her an advisement of her rights pursuant to Title 18 USC 1001. [REDACTED] then consented to the (b)(6),(b)(7)(C) interview and provided the following information:

(b)(6),(b)(7)(C) Fact Finder [REDACTED] asked [REDACTED] if she had ever met SA [REDACTED] personally. Ms. (b)(6),(b)(7)(C) [REDACTED] stated that she had. Fact Finder [REDACTED] asked [REDACTED] to explain in detail her (b)(6),(b)(7)(C) previous dealings with SA [REDACTED]. [REDACTED] then stated the following. [REDACTED] (b)(6),(b)(7)(C) remembered meeting SA [REDACTED] only once, briefly, while SA [REDACTED] was in a vehicle (b)(6),(b)(7)(C) parked curbside near her residence located at [REDACTED] Jacksonville, FL. (b)(6),(b)(7)(C) [REDACTED] further stated that this meeting took place before 2007. [REDACTED] further stated (b)(6),(b)(7)(C) that SA [REDACTED] identified himself to her, asked who she was, and asked if she knew (b)(6),(b)(7)(C) [REDACTED] and his wife. [REDACTED] further stated that she told SA [REDACTED] at (b)(6),(b)(7)(C) that time, that she knew both [REDACTED] and his wife, and that both subjects (b)(6),(b)(7)(C) had visited her at her residence. [REDACTED] further stated that SA [REDACTED] made a (b)(6),(b)(7)(C) comment to the effect of "these people pretend to be helpless so that they can use Americans" at some point during that meeting.

(b)(6),(b)(7)(C) Fact Finder [REDACTED] asked [REDACTED] if she had ever met with any other HSI ASAC/JX (b)(6),(b)(7)(C) Special Agents or supervisors other than SA [REDACTED] at any other time. [REDACTED] stated (b)(6),(b)(7)(C) that she had not.

(b)(6),(b)(7)(C) [REDACTED] 1/27/2011  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) Fact Finder [redacted] asked [redacted] to elaborate on the part of her complaint where  
(b)(6),(b)(7)(C) she alleged that SA [redacted] and two others came to her house without a warrant, where  
(b)(6),(b)(7)(C) [redacted] was then living, and knocked loudly and did damage to her door. Ms.  
(b)(6),(b)(7)(C) [redacted] stated that in approximately June or July of 2010 she believed that SA [redacted] and (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) others went to her residence located at [redacted] in Jacksonville, FL, and that  
(b)(6),(b)(7)(C) they knocked loudly and kicked her back door doing damage to it. [redacted] further (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) stated that she was not present at the residence at that time, but that both [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) and his mother were inside the residence. [redacted] further stated that [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) related to her that there was a dent in the exterior storm. [redacted] further stated that she (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) did go to the residence after she was called by [redacted] but by that time the  
agents had left.

(b)(6),(b)(7)(C) Fact Finder [redacted] asked [redacted] if she had attempted at any time to make anyone  
(b)(6),(b)(7)(C) aware of the alleged damage to her door other than through the complaint in this  
administrative inquiry. [redacted] stated that she had made approximately two phone calls  
to the Jacksonville Sheriff's Office in an effort to contact Homeland Security, but that she  
had eventually let the matter go without making contact with anyone at Homeland  
Security.

(b)(6),(b)(7)(C) Fact Finder [redacted] asked [redacted] if she had any evidence of actual damage that had  
(b)(6),(b)(7)(C) been done to her door such as photographs, estimates for repairs, or actual bills. Ms.  
(b)(6),(b)(7)(C) [redacted] stated that she did not. [redacted] further stated that the damage was not of a (b)(6),(b)(7)(C)  
sufficient extent that she had ever contemplated having repairs made to it. [redacted] (b)(6),(b)(7)(C)  
further stated that on another occasion she was present in her house with both [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) and his mother when HSI agents came and knocked on her door and  
(b)(6),(b)(7)(C) identified themselves as federal agents. [redacted] further stated that she refused to answer  
(b)(6),(b)(7)(C) the door at that time. [redacted] further stated that no damage was done to her house at  
that time.

(b)(6),(b)(7)(C) Fact Finder [redacted] asked [redacted] if she had ever spoken with any official  
(b)(6),(b)(7)(C) representative from the government of Niger about her complaints of religious and racial  
profiling against SA [redacted] Ms. [redacted] stated that she had not.

(b)(6),(b)(7)(C)  
[redacted] 6/27/2011  
Affiant's Initials and Date



**Administrative Inquiry Affidavit  
(Continuation)**

(b)(6),(b)(7)(C) Fact Finder [redacted] then asked [redacted] specifically what personal observations she  
(b)(6),(b)(7)(C) had had with respect to her allegations that SA [redacted] had racially and religiously  
(b)(6),(b)(7)(C) profiled numerous citizens of Niger to include [redacted] [redacted] stated (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) that the only allegation in her complaint that she had personal direct knowledge of was  
(b)(6),(b)(7)(C) the fact that SA [redacted] had used the term "these people" when speaking with her the  
(b)(6),(b)(7)(C) one time that they met outside her residence. [redacted] further stated that the balance of  
(b)(6),(b)(7)(C) her allegations against SA [redacted] were inferences that she had made taken from  
conversations with various third parties.

The contents of this statement consist of 03 pages, each of which I have signed or  
initialed. I fully understand this statement and it is true, accurate and complete to the best  
of my knowledge and belief.

(b)(6),(b)(7)(C) [redacted]

Signature of Affiant

Subscribed and sworn to before me this 27<sup>th</sup> day of June, 2011,

(b)(6),(b)(7)(C) At: [redacted] Detroit, Michigan 48226 Time: 10:00AM

(b)(6),(b)(7)(C) Signature of Witness: [redacted]

(b)(6),(b)(7)(C) Printed Name of Witness: [redacted]

(b)(6),(b)(7)(C) Signature of Witness: [redacted]

(b)(6),(b)(7)(C) Printed Name of Witness: [redacted]

[redacted]

Affiant's Initials and Date

(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    |                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|
| <br><b>DEPARTMENT OF HOMELAND SECURITY</b><br><br><b>Immigration and Customs Enforcement</b><br><b>Office of Professional Responsibility</b><br><br><b>REPORT OF INVESTIGATION</b><br><br>HB 4200-01 (37), Special Agent Handbook                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                    | <b>1. CASE NUMBER</b><br>[REDACTED] (b)(6),(b)(7)(C) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    | <b>PREPARED BY</b><br>[REDACTED] (b)(6),(b)(7)(C)    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    | <b>2. REPORT NUMBER</b><br>003                       |
| <b>3. TITLE</b><br>EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/CHICAGO, COOK, IL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    |                                                      |
| <b>4. FINAL RESOLUTION</b><br>Unfounded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                    |                                                      |
| <b>5. STATUS</b><br>Closing Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>6. TYPE OF REPORT</b><br>Investigative Findings | <b>7. RELATED CASES</b>                              |
| <b>8. TOPIC</b><br>Allegation of Mistreatment by Unknown ICE Employees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                    |                                                      |
| <b>9. SYNOPSIS</b><br><p>On June 10, 2011, the Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties (CRCL), Washington, DC, notified the Joint Intake Center (JIC) of complaint report CRCL 11-05-ICE-0091 concerning the treatment of [REDACTED] [REDACTED] alleged in a letter to the CRCL that in January 2011, Immigration and Customs Enforcement (ICE) officials threatened him, refused to respect his property rights, and subjected him to unreasonable search and seizure. (b)(6),(b)(7)(C)</p> <p>The Resident Agent in Charge, Chicago, Group Two, Office of Professional Responsibility (RAC/CH2-OPR) attempted unsuccessfully to identify ICE personnel who had contact of any nature with [REDACTED] during the period in question. Repeated attempts to interview [REDACTED] were unsuccessful. Due to the lack of available information and the apparent unwillingness of [REDACTED] to cooperate with the investigation, the case will be closed. (b)(6),(b)(7)(C)</p> |                                                    |                                                      |
| <b>10. CASE OFFICER (Print Name &amp; Title)</b><br>[REDACTED] ICE-OPR Special Agent (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>11. COMPLETION DATE</b><br>25-JAN-2012          | <b>14. ORIGIN OFFICE</b><br>ICE OPR RAC Chicago-2    |
| <b>12. APPROVED BY(Print Name &amp; Title)</b><br>[REDACTED] ICE-OPR Special Agent Supervisor (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>13. APPROVED DATE</b><br>25-JAN-2012            | <b>15. TELEPHONE NUMBER</b><br>No Phone Number       |
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## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

## 1. CASE NUMBER

## PREPARED BY

## 2. REPORT NUMBER

003

## 10. NARRATIVE

On June 10, 2011, the DHS CRCL, Washington, DC, notified the JIC of complaint report CRCL 11-05-ICE-0091 concerning the treatment of [REDACTED] [REDACTED] alleged in a letter addressed to the CRCL and dated January 29, 2011, that in January 2011, ICE officials threatened him, refused to respect his property rights, and subjected him to unreasonable search and seizure.

In his letter, [REDACTED] described the unidentified officers he encountered on January 29, 2011, as a male of Mexican descent, 35-40 years of age, and a female with long blonde hair, 30-40 years of age, and wearing glasses. [REDACTED] stated that the officers arrived in a "Belgian-white Ford Fusion," identified themselves as ICE officers, and refused to give their names.

On June 28, 2011, RAC/CH2-OPR Senior Special Agent (SSA) [REDACTED] attempted to contact [REDACTED] at the telephone number listed to him on whitepages.com, a public telephone number database. Following an automated message stating that the phone has "Privacy Manager," and asking the name of the caller, an unidentified male (UM) answered the call. The UM confirmed that [REDACTED] had reached [REDACTED] residence, but advised that [REDACTED] was at his doctor's office. [REDACTED] provided the UM with a cellular telephone number and requested that he ask [REDACTED] to call.

A short time later, the UM telephoned [REDACTED] and stated that he had spoken with Mr. [REDACTED] and that [REDACTED] would like to know the reason for [REDACTED] SSA [REDACTED] advised the UM that the call was in response to a letter written by [REDACTED] in January. The UM stated that he would call [REDACTED] back and provide him that information. SSA [REDACTED] received no further calls from the UM or [REDACTED].

On June 30, 2011, SSA [REDACTED] again attempted to call [REDACTED] at his residence, but the call was not answered. The Privacy Manager automated message stated that no voicemail messages would be accepted.

On July 1, 2011, Field Office Director, Chicago, Enforcement and Removal Operations, (FOD/CH-ERO), Deputy Field Office Director (DFOD) [REDACTED] advised that he had instructed each of his Supervisory Detention and Deportation Officers (SDDOs) to search their records for any activity at [REDACTED] Chicago. DFOD [REDACTED] stated that nothing was found to indicate that ERO/Chicago had any contact with [REDACTED] or any other individual at that address. DFOD [REDACTED] stated that FOD/CH-ERO has no Ford Fusions in its vehicle fleet. DFOD [REDACTED] was also unable to identify the officers by the physical descriptions contained in [REDACTED] letter.





DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

PREPARED BY

2. REPORT NUMBER

003

10. NARRATIVE

On July 1, 2011, Special Agent in Charge, Chicago, Homeland Security Investigations (SAC/CH-HSI), Assistant Special Agent in Charge (ASAC [REDACTED]) advised SSA [REDACTED] that searches of the Treasury Enforcement Communications System (TECS) and the Seized Asset and Case Tracking (SEACATS) system yielded no results for activity at [REDACTED] Chicago. ASAC [REDACTED] composed an email to the entire SAC/CH-HSI office requesting that anyone who had contact with [REDACTED] contact SSA [REDACTED]. To date, the OPR/Chicago has not been advised of any contact with [REDACTED]. ASAC [REDACTED] was unable to identify the officers based on the descriptions contained in Mr. [REDACTED] letter.

On July 1, 2011, SSA [REDACTED] spoke by telephone with SAC/CH-HSI administrative group Acting Group Supervisor (AGS) [REDACTED] who stated that there are no white Ford Fusions in the HSI/Chicago vehicle fleet.

On August 26, 2011, SSA [REDACTED] and RAC/CH2-OPR SSA [REDACTED] attempted to interview [REDACTED] at his home. [REDACTED] stated that all questions for him should go through his attorney. [REDACTED] provided a telephone number for [REDACTED].

On August 29, 2011, SSA [REDACTED] twice attempted to telephone [REDACTED] at the telephone number provided by [REDACTED]. On both attempts, the telephone was answered by an unidentified male, who hung up when SSA [REDACTED] asked for [REDACTED].

On August 29, 2011, a search of public records related to the telephone number provided by Mr. [REDACTED] or his attorney was conducted. Numerous records were found for [REDACTED]. A search for professional licenses in [REDACTED] name did not locate a license to practice law in Illinois, although [REDACTED] is listed as party to numerous ongoing legal actions in Illinois. A search of the Attorney Registration & Disciplinary Commission (ARDC) website was conducted for any attorney nationwide with the surname [REDACTED]. No results were found.

On September 29, 2011, SSA [REDACTED] and RAC/CH1-OPR SSA [REDACTED] attempted to speak with [REDACTED] at his home. [REDACTED] again declined to be interviewed and stated that he had previously provided the wrong name and telephone number for his attorney. [REDACTED] then provided a business card bearing the name [REDACTED] Attorney at Law.

On September 30, 2011, SSA [REDACTED] after attempting unsuccessfully to contact [REDACTED] by telephone, emailed him at the email address printed on the business card provided by [REDACTED]. On October 3, 2011, [REDACTED] telephoned SSA [REDACTED] and advised that because [REDACTED] has medical issues, [REDACTED] would be unable to schedule an interview until he could speak with

## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

## 1. CASE NUMBER

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003

## 10. NARRATIVE

(b)(6), (b)(7)(C) [redacted] about his medical treatment schedule. [redacted] advised that once he conferred with his client, he would contact the SSA [redacted] to arrange the interview.

(b)(6), (b)(7)(C) On October 24, 2011, SSA [redacted] emailed [redacted] at the same email address to ask for an update on the status of the request for an in-person interview of [redacted]. The email reiterated (b)(6), (b)(7)(C) that details in [redacted] letter require clarification and/or additional information in order to conduct a thorough investigation and advised that every effort would be made to accommodate [redacted] (b)(6), (b)(7)(C) schedule. To date, SSA [redacted] has not received a response from [redacted] or [redacted] (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) On November 30, 2011, SSA [redacted] contacted CRCL Policy Analyst (PA) [redacted] (b)(6), (b)(7)(C) [redacted] and provided her an update on the case. PA [redacted] had no suggestions for (b)(6), (b)(7)(C) additional investigative steps and advised that due to the lack of adequate information to identify any ICE officers involved in the incident and the apparent unwillingness of [redacted] to cooperate (b)(6), (b)(7)(C) with the investigation, the CRCL would have no objection to the investigation being closed at this time. Therefore, pending the receipt of additional information, the RAC/CH2-OPR investigation will be closed.



|                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="121 241 276 399"></div> <div data-bbox="394 174 993 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="485 401 902 472"><b>REPORT OF INVESTIGATION<br/>Exhibit List</b></div> <div data-bbox="505 480 883 510">HB 4200-01 (37), Special Agent Handbook</div> | <b>1. CASE NUMBER</b><br><div data-bbox="1101 231 1274 277" style="background-color: #90EE90; width: 100px; height: 20px;"></div> <div data-bbox="1437 231 1567 262">(b)(6),(b)(7)(C)</div> |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>PREPARED BY</b><br><div data-bbox="1101 331 1459 401" style="background-color: #90EE90; width: 220px; height: 30px;"></div> <div data-bbox="1437 331 1567 363">(b)(6),(b)(7)(C)</div>    |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>2. REPORT NUMBER</b><br>003                                                                                                                                                              |

None



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(b)(6),(b)(7)(C)

2. REPORT NUMBER

Administrative Inquiry Report 001

4. TITLE

EMPLOYEE, UNKNOWN/Unknown/1105 Harassment-Profiling/HARTFORD,  
HARTFORD, CT

5. STATUS 6. TYPE

Closing Report Referred to Management

7. TOPIC

Failure to Follow Arrest, Detention and Search Policy.

8. SUMMARY

On June 3, 2011, the Joint Intake Center (JIC), Washington, D.C., received a complaint  
report

(b)(6),(b)(7)(C)

CRCL [REDACTED] from the Department of Homeland Security (DHS) Office of  
Civil Rights

and Civil Liberties (CRCL), Washington, DC, concerning the treatment of [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] Mr.

(b)(6),(b)(7)(C)

[REDACTED] alleged being mistreated by unknown employees of U.S. Immigration and Customs  
Enforcement (ICE) during a traffic stop and his subsequent detention on March 8, 2011,  
in  
Meriden, Connecticut (CT).

10. ORIGINATOR (Print Name & Title) 11. COMPLETION DATE 14. ORIGIN  
OFFICE

(b)(6),(b)(7)(C)

[REDACTED] ICE OPR Fact Finder 17-FEB-2012 ICE OPR Fact Finder

12. APPROVED BY(Print Name & Title) 13. APPROVED DATE 15. TELEPHONE  
NUMBER

(b)(6),(b)(7)(C)

[REDACTED] ICE-OPR Special Agent  
Supervisor

17-FEB-2012 No Phone Number

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10. NARRATIVE

On June 3, 2011, the Joint Intake Center (JIC), Washington, D.C., received a complaint report

CRCL 11-06-ICE-0170 from the Department of Homeland Security (DHS) Office of Civil Rights

and Civil Liberties (CRCL), Washington, DC, concerning the treatment of [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED]  
(b)(6),(b)(7)(C) [REDACTED] alleged being mistreated by unknown employees of U.S. Immigration and Customs Enforcement (ICE) during a traffic stop and his subsequent detention on March 8, 2011, in Meriden, Connecticut (CT).

(b)(6),(b)(7)(C) [REDACTED] alleged that he was handcuffed, searched, held outside a courthouse and fingerprinted.

His car was also searched without his consent. At different points while he was in custody, Mr.

(b)(6),(b)(7)(C) [REDACTED] claimed he was questioned about his identity, immigration status, roommates, and associations with other people. During another instance [REDACTED] asked to contact his attorney, (b)(6),(b)(7)(C)

but the agents told him to wait and kept questioning him. The agents also showed Mr.

(b)(6),(b)(7)(C) [REDACTED] a file

that contained a photo of one of his former roommates, [REDACTED] It is also (b)(6),(b)(7)(C)

alleged that

(b)(6),(b)(7)(C) the agents informed [REDACTED] that they had visited his apartment earlier in the day, and that his

landlord let the agents into the apartment, which they then searched. It is alleged that at no point

(b)(6),(b)(7)(C) did the agents tell [REDACTED] that he was under arrest or show him a warrant or other paperwork

that authorized his detention, the search of his car, or the search of his apartment.

According to

the allegation email sent to the CRCL, ICE agents allegedly did not follow arrest, search or seizure

procedures, behaved unprofessional and misused their positions when they pulled Mr.

(b)(6),(b)(7)(C) [REDACTED] over

for a traffic stop and illegally detained him.



OPR is referring this inquiry for consideration of Agency Action.

Executive Summary:

ALLEGATION ONE: Failure to Follow Arrest, Detention and Search Policy.

Referred to Management

ALLEGATION TWO: Misuse of Position by Conducting an Illegal Traffic Stop.

Referred to Management

ADMINISTRATIVE INQUIRY:

ALLEGATION ONE: Failure to Follow Arrest, Detention and Search Policy.

On June 3, 2011, the JIC, Washington, D.C., received a complaint from the CRCL that employees

of U.S. ICE allegedly mistreated a Muslim civilian when he was stopped and detained during a

traffic stop. The nature of the complaint referral from the CRCL (Exhibit 1) stated that

(b)(6),(b)(7)(C)



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was stopped and detained by ICE agents during a traffic stop on High Street in Meriden, CT on

March 8, 2011. The complaint referral contained a memorandum to Deputy Division Director,

Investigative Support Unit, Office of Professional Responsibility [REDACTED]

(b)(6),(b)(7)(C)

dated June 3, 2011 (Exhibit 2). This memorandum stated that the complaint had been received and was being forwarded to ICE for investigation.

Enclosed with the document noted above was a memorandum to Executive Director,

(b)(6),(b)(7)(C) [REDACTED] for the Council on American-Islamic Relations (CAIR), CT Chapter from Director, Compliance Branch, Office of Civil Rights and Civil Liberties (CRCL), [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] dated June 3, 2011, advising that the information forwarded concerning the treatment of Mr.

(b)(6),(b)(7)(C) [REDACTED] by employees of ICE during a traffic stop and his subsequent detention in Meriden, CT, on March 8, 2011, had been received (Exhibit 3). This memorandum advised of the serious nature and attention that the CRCL provides regarding allegations of violations of civil rights and civil liberties.

Also included with the above was a copy of a memorandum and email messages from Executive

(b)(6),(b)(7)(C) Director, [REDACTED] from CAIR to Assistant Attorney General, Civil Rights Division, [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] dated March 30, 2011 and March 29, 2011 respectively, which initially reported these

alleged violations (Exhibit 4). These correspondences requested that a civil rights investigation be

conducted to determine the legality of a traffic stop involving ICE agents and a member of the

(b)(6),(b)(7)(C) American Muslim community. [REDACTED] questioned whether the agents were acting

on behalf

of DHS, their lack of identifying themselves, the handcuffing and detention of [REDACTED] without a

(b)(6),(b)(7)(C)

warrant, the denial of his request to speak to an attorney, the searching of his car and apartment

without a warrant and why was he driven to a courthouse but not taken into it.

The administrative inquiry identified the employees who had knowledge of or participated in the

operation on March 8, 2011, as ICE Enforcement and Removal Operations (ERO)

Hartford/CT,

Supervisory Detention and Deportation Officer (SDDO) [REDACTED] Deportation

(b)(6),(b)(7)(C)

Officers

(DO's) [REDACTED] and [REDACTED] and Immigration Enforcement Agent (IEA)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

On July 13, 2011, Detention and Deportation Officer (DDO) [REDACTED] a certified Fact Finder

(b)(6),(b)(7)(C)

(FF), was assigned to this Administrative Inquiry (AI).

On November 1, 2011, FF [REDACTED] interviewed [REDACTED] (civilian), the landlord of the person

(b)(6),(b)(7)(C)

identified as [REDACTED]. The interview took place at a local Subway

(b)(6),(b)(7)(C)

establishment in

Meriden, CT and [REDACTED] was accompanied by his son. [REDACTED] refused to

(b)(6),(b)(7)(C)

provide a

written affidavit, but agreed to the meeting. Therefore FF [REDACTED] provided an affidavit

(b)(6),(b)(7)(C)

(Exhibit 5)



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(b)(6),(b)(7)(C) attesting to what was discussed with [REDACTED] on this date.

(b)(6),(b)(7)(C) [REDACTED] stated that he has been the landlord for [REDACTED] approximately eight years. (b)(6),(b)(7)(C)

He  
stated that he recalled being approached at his place of business by ICE officers looking  
for

(b)(6),(b)(7)(C) someone other than [REDACTED] on the date in question. [REDACTED] stated that he is a (b)(6),(b)(7)(C)  
manager of

(b)(6),(b)(7)(C) a Pizza Shop where [REDACTED] was previously employed. He stated that he fired (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED]

because he presented a suspicious identity document, but allowed him to remain a tenant  
in his  
building.

(b)(6),(b)(7)(C) [REDACTED] stated that the officers inquired about a person whom he believed had already  
left the

country. He stated that he then advised the officers that [REDACTED] may be able to assist (b)(6),(b)(7)(C)  
them and

(b)(6),(b)(7)(C) then provided the officers with his address. [REDACTED] stated that he did not travel with  
the

officers to the residence nor did he assist them in gaining entry into the residence. He  
stated that

the only way anyone could gain entry into the security door was if they were buzzed in  
and that

each apartment had their own separate entrance. [REDACTED] stated that he seriously (b)(6),(b)(7)(C)  
doubts if

(b)(6),(b)(7)(C) the officers gained entry into [REDACTED] apartment to search it if he wasn't there.

Prior to this interview, several attempts were made via cellular telephone and office  
numbers as

(b)(6),(b)(7)(C) well as email to establish contact with [REDACTED] and/or the local representative from  
CAIR who

filed this complaint on his behalf. As of the date of this summary, a response has not  
been

received. During this interview, the whereabouts of [REDACTED] was discussed and (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED]

(b)(6),(b)(7)(C) advised that he should be at his residence. [REDACTED] advised that the location of (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED]

residence was nearby and that he could show FF [REDACTED] exactly where it was. FF [REDACTED] (b)(6),(b)(7)(C)

agreed to

travel to the residence and advised local ICE officials. Upon arriving at the apartment

building

located on Liberty Street [REDACTED] advised that he did not see [REDACTED] vehicle. FF [REDACTED] (b)(6),(b)(7)(C)

[REDACTED]

knocked on [REDACTED] apartment door several times, but there was no response.

Therefore FF

[REDACTED] concluded interaction with [REDACTED] The apartment building was adjacent to the

pizza

establishment where [REDACTED] managed and where he was approached by the ICE

officers on

the day in question.

On November 1, 2011, FF [REDACTED] interviewed SDDO [REDACTED] SDDO [REDACTED] (b)(6),(b)(7)(C)

completed the

appropriate administrative warnings and at the conclusion of the interview, submitted an

affidavit

(Exhibit 6). SDDO [REDACTED] stated he was supervising the Fugitive Operations Unit in

March of

2011 and does recall an ICE initiated operation taking place on March 8th to locate and

arrest an

ICE fugitive. SDDO [REDACTED] stated that he believes that he approved a Fugitive

Operation

Worksheet (FOW) for this mission. SDDO [REDACTED] stated that in addition to himself,

all

members of his fugitive operation team are aware of proper protocols for conduct and use

of

authority during ICE initiated fugitive operations because of mandatory training

requirements.



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(b)(6),(b)(7)(C) SDDO [REDACTED] stated that each member of the fugitive team has attended and completed the Fugitive Operations Training Program (FOTP) held at the ICE Academy. SDDO

(b)(6),(b)(7)(C) [REDACTED] added that this training included proper procedure relating to vehicle stops. SDDO [REDACTED] stated that he is familiar with the ICE memo that addresses the documentation of consent to enter and/or search a premise, or other constitutionally protected locations. SDDO [REDACTED] stated that the fugitive unit regularly receives Fourth Amendment training by a local representative from the Office of Chief Counsel and online via the ICE Virtual University (VU). SDDO

(b)(6),(b)(7)(C) [REDACTED] stated that he is unaware if [REDACTED] was handcuffed and searched or if he asked to contact his attorney. SDDO [REDACTED] stated that he does not recall being informed that the fugitive team visited and/or gained entry into the residence of [REDACTED] prior to this encounter.

(b)(6),(b)(7)(C) However, SDDO [REDACTED] did state that if [REDACTED] and the fugitive known as, [REDACTED] Iftikhar shared the same address, then the officers could have visited the residence as part of the fugitive

(b)(6),(b)(7)(C) investigation. SDDO [REDACTED] also stated that he does not know if [REDACTED] gave consent prior to the search of his vehicle or if he was explained as to why it was needed. Based on the debriefing of the encounter, SDDO [REDACTED] does recall [REDACTED] being transported to a safer parking area behind a courthouse in Meriden, CT. SDDO [REDACTED] stated that it was his belief that the purpose for the relocation was for the interest of officer and subject safety.

(b)(6),(b)(7)(C) SDDO [REDACTED] stated that according to the debriefing [REDACTED] was then fingerprinted on the mobile IDENT system to further identify him and that after field questioning it was determined



that he was in the country illegally. Also based on that debriefing, SDDO [REDACTED] stated that once the true identity of [REDACTED] was confirmed and that he was not the target, prosecutorial discretion was exercised and he was not taken into custody, but returned to his vehicle. SDDO [REDACTED] stated that during the debriefing he was advised that [REDACTED] was so happy that upon returning to his vehicle, he offered the officer's pizza that they politely denied. SDDO [REDACTED] stated that several months later because of multiple inquiries regarding this matter, he directed DO [REDACTED] to prepare a narrative detailing the events of the encounter for future referencing. On August 18, 2011, FF [REDACTED] obtained a copy of the memo titled "Documentation of Consent in Enter and Search" dated January 19, 2010, issued by Acting Director [REDACTED] from the ERO Resource Library (Exhibit 7). This memo provides guidance for ERO officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected locations as required in accordance with the Fourth Amendment. The memo also explains that when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as identity of any other individuals that witness the granting of consent. Also on August 18, 2011, FF [REDACTED] retrieved an excerpt from the Immigration Officers Handbook,

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(b)(6),(b)(7)(C)

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M-69 relating to the section titled, "The Law of Arrest, Search, and Seizure for Immigration Officers" dated January 1993 as compiled by the Department of Justice (Exhibit 8). It stated that the primary sources of authority granted to officers of ICE are the Immigration and Nationality Act (INA), which can be found in Title 8 of the United States Code (U.S.C.) and Title 8 of the Code of Federal Regulations (C.F.R.). Title 8 C.F.R. Part 287.5 grants officers their powers and authority regarding matters that involve interrogation, arrests, searches, seizures, detention and transportation of any person encountered or taken into custody by an Immigration officer. On November 18, 2011, FF (b)(6),(b)(7)(C) retrieved an excerpt from the ICE intranet from the Training and Development Division that briefly describes FOTP course requirements and the curriculum (Exhibit 9). According to the excerpt, the training provides a basic overview of the skills needed to enforce administrative warrants, from the initiation of a case in its operational planning and preparation, through the actual operation and the constitutional and policy concerns frequently encountered, to the culmination of a case.

On January 20, 2012, FF (b)(6),(b)(7)(C) obtained a copy of Title 8 C.F.R. 287.5 from the website, www.justia.com detailing the powers and authority of immigration officers and agents as they are actually written (Exhibit 10). This information supports the fact that these officers and agents have the authority to arrest and search.

On November 7, 2011, FF (b)(6),(b)(7)(C) interviewed IEA (b)(6),(b)(7)(C) IEA (b)(6),(b)(7)(C) completed the appropriate administrative warnings and at the conclusion of the interview, submitted an affidavit (Exhibit 11).

IEA (b)(6),(b)(7)(C) stated that he is an IEA assigned to the Fugitive Operation Unit within the Hartford sub

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

office and has been for about three years. IEA [REDACTED] stated that his duties include assisting DO's in the field by providing perimeter security, back up for traffic stops, the conducting of surveillance and the transportation of those taken into custody. IEA [REDACTED] stated that he is familiar with proper protocol regarding conduct; use of authority and vehicle stops during ICE initiated Fugitive Operations based on training he received from the Federal Law Enforcement Training Center (FLETC) and the FOTP. IEA [REDACTED] also stated that in addition to that he regularly receives Fourth Amendment training and is familiar with the ICE memo titled "Documentation of Consent to Enter and Search" which provides guidance addressing the documentation of consent to enter and/or search a premise, or other constitutionally protected locations.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

IEA [REDACTED] and he stated that he does recall participating in an ICE initiated fugitive operation assisting DO's [REDACTED] and [REDACTED] on March 8, 2011 in Meriden, CT. IEA [REDACTED] stated that they were working from an approved FOW that contained descriptive biographic and detailed

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



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information of the ICE fugitive being sought, identified as [REDACTED] (b)(6),(b)(7)(C)  
IEA [REDACTED] stated that prior to the traffic stop the fugitive team did go to a residence  
believed to be [REDACTED] the last known address of Mr. [REDACTED] IEA [REDACTED] stated that he provided perimeter  
support while [REDACTED] DO's [REDACTED] approached the apartment complex. IEA [REDACTED] stated that to his  
knowledge the officers knocked on the door but no one answered, and that a search of the  
residence did not take place. IEA [REDACTED] stated that the landlord was located and briefly  
interviewed. IEA [REDACTED] stated that information gathered from the landlord led the  
fugitive team to [REDACTED] a local pizza shop where it was believed that Mr. [REDACTED] worked. IEA [REDACTED] stated that  
it was [REDACTED] there that they observed a person matching Mr. [REDACTED] description exit the pizza shop  
and drive [REDACTED] off in a green colored vehicle. IEA [REDACTED] stated that it was then that a traffic stop was  
initiated [REDACTED] IEA [REDACTED] stated that he was driving the second car behind the primary contact and  
cover [REDACTED] officers. IEA [REDACTED] stated that local authorities were not involved with this operation,  
but were [REDACTED] advised that the fugitive team would be in the area. IEA [REDACTED] stated that DO [REDACTED] did  
identify [REDACTED] himself and DO [REDACTED] upon contact with the driver of the vehicle, later known to be Mr.  
[REDACTED] Due to his position of cover, IEA [REDACTED] stated that he was initially unable to speak to  
Mr. [REDACTED] IEA [REDACTED] stated that it was during that time that DO [REDACTED] explained to Mr. [REDACTED] that  
he was [REDACTED] being stopped because he and the vehicle matched the description of a fugitive being  
sought by [REDACTED] ICE [REDACTED] IEA [REDACTED] stated that when Mr. [REDACTED] was asked for identification, he advised the  
officers that his [REDACTED] identification was in the center console of the passenger compartment of the vehicle.  
IEA [REDACTED]

(b)(6),(b)(7)(C) stated that Mr. [REDACTED] also advised that he was on medication and that it was also in the vehicle.

(b)(6),(b)(7)(C) IEA [REDACTED] stated that he does not recall if consent was given by Mr. [REDACTED] but a search (b)(6),(b)(7)(C) for the (b)(6),(b)(7)(C) items and officer safety was initiated. IEA [REDACTED] stated that at no time did Mr. [REDACTED] (b)(6),(b)(7)(C) object to the (b)(6),(b)(7)(C) officers retrieving the items from his vehicle. IEA [REDACTED] stated that other than the (b)(6),(b)(7)(C) retrieval of those items, a further search of the vehicle was not conducted nor required.

On November 7, 2011, FF (b)(6),(b)(7)(C) interviewed DO [REDACTED] DO [REDACTED] completed the (b)(6),(b)(7)(C) appropriate administrative warnings and at the conclusion of the interview, submitted an affidavit (Exhibit 12).

(b)(6),(b)(7)(C) DO [REDACTED] stated that he is a DO assigned to the Fugitive Operation Unit within the (b)(6),(b)(7)(C) Hartford sub office and has been since 2008. DO [REDACTED] stated that he does not recall participating in a specific operation on March 8, 2011, but does recall working a case in Meriden, CT around that time. DO (b)(6),(b)(7)(C) [REDACTED] stated that he is familiar with proper protocol regarding conduct and use of authority during ICE initiated Fugitive Operations based on training he receives from frequent updates, (b)(6),(b)(7)(C) policy guidelines and supervisory oversight. DO [REDACTED] stated that he received training regarding vehicle



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stops at the Border Patrol Academy, FOTP and local training sessions. DO [REDACTED] stated that he also regularly receives Fourth Amendment training and that he is familiar with the ICE memo titled

"Documentation of Consent to Enter and Search" which provides guidance addressing the documentation of consent to enter and/or search a premise, or other constitutionally protected locations

DO [REDACTED] stated that on or about the date in question he recalls working with DO [REDACTED] and [REDACTED]

[REDACTED] following up on a lead to close a case. DO [REDACTED] stated that it was then that they were involved with a vehicle stop but does not recall the name of the person who was stopped.

DO [REDACTED] stated that the team was working with information compiled on an approved FOW that

contained detailed information relating to Mr. [REDACTED] DO [REDACTED] stated that prior to the vehicle stop, the team did visit an address believed to be the last known address of the target subject (Mr. [REDACTED])

DO [REDACTED] stated that they knocked on the door but no one answered and that they did not attempt to gain entry.

DO [REDACTED] stated that because of information gathered, they were able to locate the landlord of Mr. [REDACTED]

DO [REDACTED] stated that upon making contact with the landlord, they were provided information for a person that may have knowledge of Mr. [REDACTED] whereabouts.

DO [REDACTED] stated that the new information led them to a pizza shop where they observed a person matching the description of Mr. [REDACTED] enter a vehicle similar to that which he allegedly drove.

DO [REDACTED] stated that it was these observations that lead to the initiation of the vehicle stop shortly thereafter

DO [REDACTED] stated that DO [REDACTED] was the primary contact officer, who advised the driver



that they were ICE agents and the purpose of the stop. DO [REDACTED] stated that he was unsure as to if [REDACTED] (b)(6),(b)(7)(C)  
the driver was eventually handcuffed, but a cursory search of his vehicle to retrieve identification documents did take place. DO [REDACTED] stated that he does not recall if consent was given for the search, nor does he recall the driver objecting to the search. (b)(6),(b)(7)(C)  
On November 7, 2011, FF [REDACTED] interviewed DO [REDACTED] DO [REDACTED] completed the appropriate administrative warnings and at the conclusion of the interview, submitted an affidavit (Exhibit 13). (b)(6),(b)(7)(C)  
DO [REDACTED] stated that he is a DO assigned to the Fugitive Operation Unit within the Hartford sub office and has been for approximately five years. DO [REDACTED] stated that he does recall participating in a fugitive investigation as the case officer on March 8, 2011, involving a vehicle stop. DO [REDACTED] stated that he was assisted by DO [REDACTED] and IEA [REDACTED] DO [REDACTED] (b)(6),(b)(7)(C)  
stated that it was not a mission or operation, but a fugitive investigation to confirm the departure of a fugitive (b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C) 10. NARRATIVE

(b)(6),(b)(7)(C) identified as Mr. [REDACTED] DO [REDACTED] stated that he wanted to verify  
departure by  
interviewing a neighbor or landlord before closing the case.

(b)(6),(b)(7)(C) DO [REDACTED] stated that he is familiar with proper protocol regarding conduct and use of  
authority  
during ICE initiated Fugitive Operations based on training he received from the FLETC,  
the FOTP  
and periodic training on the Fourth Amendment. DO [REDACTED] stated that he received (b)(6),(b)(7)(C)  
training  
regarding vehicle stops from FLETC and FOTP. DO [REDACTED] stated that his daily (b)(6),(b)(7)(C)  
assignments  
include the locating and apprehension of fugitive aliens. DO [REDACTED] stated that he is (b)(6),(b)(7)(C)  
familiar with  
the ICE memo titled "Documentation of Consent to Enter and Search" which provides  
guidance  
addressing the documentation of consent to enter and/or search a premise, or other  
constitutionally protected locations.

(b)(6),(b)(7)(C) DO [REDACTED] stated that prior to the vehicle stop the fugitive team did visit the apartment of  
Mr. [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] which was later determined to be the same address as that of Mr. [REDACTED] DO [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED]  
advised that at no time did either member of the team enter the dwelling because no one  
answered their knocks at the door.

(b)(6),(b)(7)(C) DO [REDACTED] stated that an interview was conducted with the landlord of the last known  
address of

(b)(6),(b)(7)(C) Mr. [REDACTED] DO [REDACTED] stated that the landlord advised them of a person who could  
better assist

them and that he recently observed a subject matching the description of Mr. [REDACTED] (b)(6),(b)(7)(C)  
driving a  
green Honda delivering pizza for Upton Pizza. DO [REDACTED] stated that the team then went (b)(6),(b)(7)(C)  
to the  
mentioned pizza shop and upon arrival observed a person matching the description of Mr.

(b)(6),(b)(7)(C) [REDACTED]  
(b)(6),(b)(7)(C) departing and get into a green Honda. DO [REDACTED] stated that shortly thereafter a traffic  
stop was

initiated.

DO [REDACTED] stated that when Mr. [REDACTED] was asked for identity documents, he advised that they

could be found in the center console. DO [REDACTED] stated that he then performed a cursory search

for officer safety and that Mr. [REDACTED] was advised of this. DO [REDACTED] stated that Mr. [REDACTED] freely

gave consent to retrieve his identity documents from the center console and that a cursory search

for weapons near the driver's seat might have taken place, but he was not certain. DO

[REDACTED] stated that no additional searches of the vehicle took place and that Mr. [REDACTED] freely

admitted to

being an undocumented alien from Pakistan.

On November 8, 2011, DO [REDACTED] provided a copy of the narrative dated June 29, 2011, that he

was instructed to compose by SDDC [REDACTED] (Exhibit 14). The narrative provided information

regarding the purpose of the fugitive investigation that corresponds with the affidavit provided by

DO [REDACTED] included with this report.



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ALLEGATION TWO: Misuse of Position by Conducting an Illegal Traffic Stop.

In his November 1, 2011, affidavit (Exhibit 6), SDDO [REDACTED] stated that normal (b)(6),(b)(7)(C)  
protocol

regarding vehicle stops correlates with information developed that is typically used to lead the

(b)(6),(b)(7)(C) case officer to believe/establish probable cause that the vehicle being stopped most likely contains the fugitive target. SDDO [REDACTED] then stated that once it was safe to do so, contact

would be established with the occupant(s), the officers would identify themselves and then attempt

(b)(6),(b)(7)(C) to establish the identity of the subject(s) to determine if the occupant(s) was the ICE fugitive being

sought. SDDO [REDACTED] also stated that he does not recall any other law enforcement agencies

(b)(6),(b)(7)(C) being involved with the vehicle stop in question. SDDO [REDACTED] stated that it is his belief that

all actions were reasonable and conducted within ICE policy and procedure.

(b)(6),(b)(7)(C) SDDO [REDACTED] stated that DO's [REDACTED] (case/lead officer) and [REDACTED] with assistance (b)(6),(b)(7)(C)  
from [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] was working a case in Meriden, CT on the date in question. SDDO [REDACTED] stated that

(b)(6),(b)(7)(C) he was debriefed by DO [REDACTED] sometime after the vehicle stop and does not recall the name of

(b)(6),(b)(7)(C) the subject. However, SDDO [REDACTED] stated that he does recall that the subject stopped was a

national of Pakistan and that there were no issues or arrests. SDDO [REDACTED] stated (b)(6),(b)(7)(C)  
that based

on the information he received from the debriefing, the vehicle stop was initiated because the

vehicle matched the description of the vehicle owned by the target on file and information that was

(b)(6),(b)(7)(C) provided by the last known landlord of the target.

(b)(6),(b)(7)(C) SDDO [REDACTED] stated that he does not believe there was an active ICE or criminal warrant for

(b)(6),(b)(7)(C) Mr. [REDACTED] During field questioning, Mr. [REDACTED] admitted to the officers that he had

overstayed his

tourist visa, thus making him amenable to arrest by ICE. SDDO [REDACTED] also stated

(b)(6),(b)(7)(C)

that per information obtained from the debrief it is his belief that Mr. [REDACTED] was not the target of

(b)(6),(b)(7)(C)

the operation nor was he under surveillance prior to the encounter. Additionally, SDDO

[REDACTED] stated that because of this encounter DO [REDACTED] advised that he was able to confirm that the

fugitive/target subject did in fact depart the U.S.

In his November 7, 2011, affidavit (Exhibit 11), IEA [REDACTED] stated that the traffic stop

(b)(6),(b)(7)(C)

took place in front of a local business in which people were beginning to exit the building to observe

what was taking place. IEA [REDACTED] stated that because of this, it was decided that the subject

should be transported to a more secure and safer area to further the field investigation and to

confirm his identity. IEA [REDACTED] stated that Mr. [REDACTED] was then handcuffed, searched and placed into

his vehicle for transporting to that location. IEA [REDACTED] stated that the location that was

chosen was near a local Police Station in Meriden. IEA [REDACTED] stated that it was there that

fingerprints from Mr. [REDACTED] were taken for processing via an ICE portable IDENT laptop to confirm his

identity and ascertain if there were active warrants. IEA [REDACTED] stated that the identification document, a New

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(b)(6),(b)(7)(C) [REDACTED]  
(b)(6),(b)(7)(C) [REDACTED] York State driver's license, that Mr. [REDACTED] had in his possession appeared fraudulent.

(b)(6),(b)(7)(C) [REDACTED] IEA [REDACTED] stated that the results of the ICE system checks conducted by the Law Enforcement Service

(b)(6),(b)(7)(C) [REDACTED] Center (LESC) on March 8, 2011, were negative.

(b)(6),(b)(7)(C) [REDACTED] IEA [REDACTED] stated that Mr. [REDACTED] was then advised that he was not under arrest and that he would  
(b)(6),(b)(7)(C) [REDACTED] be taken back to his vehicle. IEA [REDACTED] stated that it was then that Mr. [REDACTED] was (b)(6),(b)(7)(C)  
shown a photo

of the target subject and asked questions as to if he knew the person or his whereabouts.

(b)(6),(b)(7)(C) [REDACTED] IEA [REDACTED] stated that at no time during this encounter did Mr. [REDACTED] mention or request to (b)(6),(b)(7)(C)  
speak to an  
(b)(6),(b)(7)(C) [REDACTED] attorney and that he was fully cooperative the entire time.

(b)(6),(b)(7)(C) [REDACTED] IEA [REDACTED] stated that the fugitive team members were courteous and respectful the  
(b)(6),(b)(7)(C) [REDACTED] entire

(b)(6),(b)(7)(C) [REDACTED] duration of the vehicle stop involving Mr. [REDACTED] and their interaction with the landlord.

(b)(6),(b)(7)(C) [REDACTED] IEA [REDACTED] stated that another reason why Mr. [REDACTED] was transported to another location was to spare  
(b)(6),(b)(7)(C) [REDACTED] him the

(b)(6),(b)(7)(C) [REDACTED] embarrassment and the gawking by the people that began gathering in the area. IEA

(b)(6),(b)(7)(C) [REDACTED] stated that Mr. [REDACTED] was amenable to arrest for entering the country illegally, but  
(b)(6),(b)(7)(C) [REDACTED] prosecutorial

discretion was exercised and he was released. IEA [REDACTED] stated that Mr. [REDACTED] was (b)(6),(b)(7)(C)  
always

overly helpful and courteous and that he thanked them for not arresting him and taking  
(b)(6),(b)(7)(C) [REDACTED] him back

to his vehicle. IEA [REDACTED] also stated that Mr. [REDACTED] offered them pizza upon returning  
to his  
vehicle, but they declined.

(b)(6),(b)(7)(C) [REDACTED] In his November 7, 2011, affidavit (Exhibit 12), DO [REDACTED] stated that the vehicle stop (b)(6),(b)(7)(C)  
took place  
during the day, on a public street and that a crowd of on-lookers had begun to gather  
nearby. DO



(b)(6),(b)(7)(C) [redacted] stated that it was his belief that the subject, later determined to be Mr. [redacted] was transported to another location for safety and privacy reasons. DO [redacted] stated that additional questioning and processing took place in an area to the rear of the Meriden Police Station. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) DO [redacted] stated that he recalls DO [redacted] making contact with the LESC to check for active warrants (b)(6),(b)(7)(C) and to see if Mr. [redacted] was a person of interest, the results were negative. (b)(6),(b)(7)(C) DO [redacted] stated that Mr. [redacted] was not taken into the police station for processing because a government issued mobile device enabled them to run his fingerprints through the IDENT database. (b)(6),(b)(7)(C) DO [redacted] stated that upon confirming the identity of Mr. [redacted] and that he was not the target subject or had any active warrants, he was immediately advised that he was not under arrest. (b)(6),(b)(7)(C) DO [redacted] stated that it was then that Mr. [redacted] was shown a picture of Mr. [redacted] (b)(6),(b)(7)(C) to (b)(6),(b)(7)(C) ascertain his whereabouts. DO [redacted] also stated that during the field investigation it was (b)(6),(b)(7)(C) discovered that Mr. [redacted] was in the country illegally. DO [redacted] stated that prosecutorial discretion was exercised and that they did not take Mr. [redacted] into custody. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) DO [redacted] stated that the officers then took Mr. [redacted] back to his vehicle and that he thanked them

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several times for not taking him into custody. DO [REDACTED] stated that once they got back to his vehicle he offered them pizza but they declined. DO [REDACTED] stated that at no time during the

(b)(6),(b)(7)(C) encounter did Mr. [REDACTED] request to speak to an attorney and that they absolutely were not discourteous, disrespectful or unprofessional. DO [REDACTED] stated that Mr. [REDACTED] was very cooperative and thankful during the entire encounter which took approximately 10-15 minutes.

In his November 7, 2011, affidavit (Exhibit 13), DO [REDACTED] stated that the vehicle stop took place in front of (b)(6),(b)(7)(C) [REDACTED] which is located on High Street in Meriden. DO [REDACTED] stated that

(b)(6),(b)(7)(C) upon contact with the driver he identified himself as an Immigration Officer and then presented his credentials to the driver. DO [REDACTED] stated that he then explained to the driver that the purpose of

(b)(6),(b)(7)(C) the stop was part of an investigation as to the whereabouts of a fugitive.

DO [REDACTED] stated that he did not recall hearing Mr. [REDACTED] ask to speak with an attorney or anyone

(b)(6),(b)(7)(C) at no point in time during the field interview. DO [REDACTED] stated that because of the location of the

(b)(6),(b)(7)(C) vehicle stop, he decided that Mr. [REDACTED] should be transported to another location for privacy and

(b)(6),(b)(7)(C) the safety of all involved. DO [REDACTED] stated that the area that was chosen was approximate one minute away from where the stop took place and to the rear of the Meriden Police Station

(b)(6),(b)(7)(C) DO [REDACTED] stated that this also allowed for the use of an ICE issued mobile IDENT computer to

(b)(6),(b)(7)(C) make sure that Mr. [REDACTED] was not the fugitive being sought, not a fugitive from another agency or

(b)(6),(b)(7)(C) had an outstanding warrant. DO [REDACTED] stated that Mr. [REDACTED] name and date of birth was

checked in ICE systems telephonically via contact with the Hartford ICE office but no records were

(b)(6),(b)(7)(C) found. DO [redacted] stated that Mr. [redacted] driver's license appeared to be fraudulent therefore [redacted] suspicions remained as to his true identity.

(b)(6),(b)(7)(C) DO [redacted] stated that Mr. [redacted] was not the target of the investigation nor was he under surveillance except for the brief moment prior to the vehicle stop. DO [redacted] stated that (b)(6),(b)(7)(C) once Mr. [redacted] identity was confirmed he was then asked questions regarding the whereabouts of (b)(6),(b)(7)(C) his (b)(6),(b)(7)(C) former roommate [redacted] DO [redacted] stated that he does not recall showing Mr. (b)(6),(b)(7)(C) [redacted] a photo (b)(6),(b)(7)(C) of [redacted] (b)(6),(b)(7)(C) DO [redacted] stated that at no time during the investigation did he or the other officers display (b)(6),(b)(7)(C) discourteous, disrespectful or unprofessional conduct towards Mr. [redacted] DO [redacted] stated that (b)(6),(b)(7)(C) Mr. [redacted] was treated professionally. DO [redacted] stated that guidance from a policy memo titled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention and Removal of Aliens" issued on March 3, 2011, by Director Morton allowed for the release of Mr. [redacted] by (b)(6),(b)(7)(C) exercising (b)(6),(b)(7)(C) prosecutorial discretion. DO [redacted] stated that after learning this, Mr. [redacted] was (b)(6),(b)(7)(C) extremely (b)(6),(b)(7)(C) grateful and offered the officers pizza upon being returned to his vehicle. DO [redacted] stated that (b)(6),(b)(7)(C)



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(b)(6),(b)(7)(C) 10. NARRATIVE

the pizza offer was declined. DO [REDACTED] stated that the ICE database checks yielded negative results.

(b)(6),(b)(7)(C) On August 16, 2011, FF [REDACTED] obtained a copy of the "Call Report" for March 8, 2011 from the LESC via email. This document is a master call record utilized to log request for records checks by officers in the field regarding individuals encountered during fugitive investigations or operations. Known biographic data is run thru various databases to check for active warrants, confirm identity and/or establish immigration status (Exhibit 15). FF [REDACTED] reviewed the call report and the data collected clearly showed that biographic data for Mr. [REDACTED] was processed and that the results were negative.

(b)(6),(b)(7)(C) On August 18, 2011, FF [REDACTED] obtained a copy of the ICE memo issued by Director John Morton regarding prosecutorial discretion from the ERO Resource Library (Exhibit 16). This memo states that "ICE detention resources should be used to support enforcement priorities previously noted or for aliens subject to mandatory detention by law". In basic terms, this memo states that prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual.

Findings

(b)(6),(b)(7)(C) The allegation that U.S. ICE employees failed to follow arrest, detention and search policy when they encountered Mr. [REDACTED] during a traffic stop will be referred to management for further processing. The allegation that U.S. ICE employees misused their position by conducting an illegal traffic stop involving Mr. [REDACTED] will be referred to management for further processing.

(b)(6),(b)(7)(C) Although Mr. [REDACTED] was stopped by ERO officers, there is no evidence to show that the

officers did

not follow established rules and regulations or acted in an unprofessional manner.

Exhibits:

1. CRCL Letter.
2. Memo from CRCL to OPR.
3. Acknowledgement Letter from CRCL to CAIR.
4. Complaint Letter from CAIR to Assistant Attorney General, Civil Rights Division.

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(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

5. Affidavit of DDO [REDACTED]

(b)(6),(b)(7)(C)

6. Affidavit of SDDO [REDACTED]

7. ICE Memo re: Documentation of Consent to Enter and Search.

8. Excerpt from Immigration Officers Handbook.

9. FOTP Course Requirements and Curriculum.

10. Copy of 8 U.S.C. 287.5 [REDACTED]

(b)(6),(b)(7)(C)

11. Affidavit of IEA [REDACTED]

(b)(6),(b)(7)(C)

12. Affidavit of DO [REDACTED]

(b)(6),(b)(7)(C)

13. Affidavit of DO [REDACTED]

(b)(6),(b)(7)(C)

14. Copy of narrative prepared by DO [REDACTED]

15. ICE database check.

16. Policy memo on Prosecutorial Discretion.

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# EXHIBIT 1

# EXHIBIT

## 10

## **8 C.F.R. PART 287—FIELD OFFICERS; POWERS AND DUTIES**

### **Title 8 - Aliens and Nationality**

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### **PART 287—FIELD OFFICERS; POWERS AND DUTIES**

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- § 287.3 Disposition of cases of aliens arrested without warrant.
- § 287.4 Subpoena.
- § 287.5 Exercise of power by immigration officers.
- § 287.6 Proof of official records.
- § 287.7 Detainer provisions under section 287(d)(3) of the Act.
- § 287.8 Standards for enforcement activities.
- § 287.9 Criminal search warrant and firearms policies.
- § 287.10 Expedited internal review process.
- § 287.11 Pre-enrolled Access Lane.
- § 287.12 Scope.

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**Authority:** 8 U.S.C. 1103, 1182, 1225, 1226, 1251, 1252, 1357; Homeland Security Act of 2002, Pub. L. 107-296 (6 U.S.C. 1, *et seq.*); 8 CFR part 2.



**§ 287.5 Exercise of power by immigration officers.****↑** top

(a) *Power and authority to interrogate and administer oaths.* Any immigration officer as defined in 8 CFR 103.1(b) is hereby authorized and designated to exercise anywhere in or outside the United States the power conferred by:

(1) Section 287(a)(1) of the Act to interrogate, without warrant, any alien or person believed to be an alien concerning his or her right to be, or to remain, in the United States, and

(2) Section 287(b) of the Act to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States; or concerning any matter which is material or relevant to the enforcement of the Act and the administration of the immigration and naturalization functions of the Department.

(b) *Power and authority to patrol the border.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to patrol the border conferred by section 287(a)(3) of the Act:

(1) Border patrol agents, including aircraft pilots;

(2) Special agents;

(3) Immigration inspectors (seaport operations only);

(4) Adjudications officers and deportation officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections (seaport operations only);

(5) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(6) Immigration officers who need the authority to patrol the border under section 287(a)(3) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, or the Assistant Secretary for ICE.

(c) *Power and authority to arrest—*(1) Arrests of aliens under section 287(a)(2) of the Act for immigration violations. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(2) of the Act and in accordance with 8 CFR 287.8(c):

(i) Border patrol agents, including aircraft pilots;

(ii) Special agents;

(iii) Deportation officers;

(iv) Immigration inspectors;

(v) Adjudications officers;

(vi) Immigration enforcement agents;

(vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(viii) Immigration officers who need the authority to arrest aliens under section 287(a)(2) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(2) Arrests of persons under section 287(a)(4) of the Act for felonies regulating the admission or removal of aliens. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(4) of the Act and in accordance with 8 CFR 287.8(c):

- (i) Border patrol agents, including aircraft pilots;
- (ii) Special agents;
- (iii) Deportation officers;
- (iv) Immigration inspectors;
- (v) Adjudications officers;
- (vi) Immigration enforcement agents;
- (vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and
- (viii) Immigration officers who need the authority to arrest persons under section 287(a)(4) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(3) Arrests of persons under section 287(a)(5)(A) of the Act for any offense against the United States. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(5)(A) of the Act and in accordance with 8 CFR 287.8(c):

- (i) Border patrol agents, including aircraft pilots;
- (ii) Special agents;
- (iii) Deportation officers;
- (iv) Immigration inspectors (permanent full-time immigration inspectors only);
- (v) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;
- (vi) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and
- (vii) Immigration officers who need the authority to arrest persons under section 287(a)(5)(A) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, or the Assistant Secretary for ICE.

(4) Arrests of persons under section 287(a)(5)(B) of the Act for any felony. (i) Section 287(a)(5)(B) of the Act authorizes designated immigration officers, as listed in paragraph (c)(4)(iii) of this section, to arrest persons, without warrant, for any felony cognizable under the laws of the United States if:

- (A) The immigration officer has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;
- (B) The immigration officer is performing duties relating to the enforcement of the immigration laws at the time of the arrest;
- (C) There is a likelihood of the person escaping before a warrant can be obtained for his or her arrest; and

(D) The immigration officer has been certified as successfully completing a training program that covers such arrests and the standards with respect to the Immigration enforcement activities of the Department as defined in 8 CFR 287.8.

(ii) The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(5)(B) of the Act and in accordance with 8 CFR 287.8(c):

(A) Border patrol agents, including aircraft pilots;

(B) Special agents;

(C) Deportation officers;

(D) Immigration inspectors (permanent full-time immigration inspectors only);

(E) Adjudications officers when in the uniform of an Immigration Inspector and performing inspections or supervising other immigration inspectors performing inspections;

(F) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(G) Immigration officers who need the authority to arrest persons under section 287(a)(5)(B) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(iii) Notwithstanding the authorization and designation set forth in paragraph (c)(4)(ii) of this section, no Immigration officer is authorized to make an arrest for any felony under the authority of section 287(a)(5)(B) of the Act until such time as he or she has been certified by the Director of Training as successfully completing a training course encompassing such arrests and the standards for enforcement activities as defined in 8 CFR 287.8. Such certification shall be valid for the duration of the immigration officer's continuous employment, unless it is suspended or revoked by the Commissioner of CBP or the Assistant Secretary for ICE, or their respective designees, for just cause.

(5) Arrests of persons under section 274(a) of the Act who bring in, transport, or harbor certain aliens, or induce them to enter.

(i) Section 274(a) of the Act authorizes designated Immigration officers, as listed in paragraph (c)(5)(ii) of this section, to arrest persons who bring in, transport, or harbor aliens, or induce them to enter the United States in violation of law. When making an arrest, the designated immigration officer shall adhere to the provisions of the enforcement standard governing the conduct of arrests in 8 CFR 287.8(c).

(ii) The following immigration officers who have successfully completed basic immigration law enforcement training are authorized and designated to exercise the arrest power conferred by section 274(a) of the Act:

(A) Border patrol agents, including aircraft pilots;

(B) Special agents;

(C) Deportation officers;

(D) Immigration inspectors;

(E) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;

(F) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and



(G) Immigration officers who need the authority to arrest persons under section 274(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(5) Custody and transportation of previously arrested persons. In addition to the authority to arrest pursuant to a warrant of arrest in paragraph (e)(3)(iv) of this section, detention enforcement officers and immigration enforcement agents who have successfully completed basic immigration law enforcement training are hereby authorized and designated to take and maintain custody of and transport any person who has been arrested by an immigration officer pursuant to paragraphs (c)(1) through (c)(5) of this section.

(d) *Power and authority to conduct searches.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to conduct searches conferred by section 287(c) of the Act:

(1) Border patrol agents, including aircraft pilots;

(2) Special agents;

(3) Deportation officers;

(4) Immigration inspectors;

(5) Adjudications officers;

(6) Immigration enforcement agents;

(7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(8) Immigration officers who need the authority to conduct searches under section 287(c) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(e) *Power and authority to execute warrants—(1) Search warrants.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power conferred by section 287(a) of the Act to execute a search warrant:

(i) Border patrol agents, including aircraft pilots;

(ii) Special agents;

(iii) Deportation officers;

(iv) Immigration enforcement agents;

(v) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph, and

(vi) Immigration officers who need the authority to execute search warrants under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(2) *Issuance of arrest warrants for immigration violations.* A warrant of arrest may be issued by any of the following immigration officials who have been authorized or delegated such authority:

(i) District directors (except foreign);

(ii) Deputy district directors (except foreign);

- (iii) Assistant district directors for investigations;
- (iv) Deputy assistant district directors for investigations;
- (v) Assistant district directors for deportation;
- (vi) Deputy assistant district directors for deportation;
- (vii) Assistant district directors for examinations;
- (viii) Deputy assistant district directors for examinations;
- (ix) Officers in charge (except foreign);
- (x) Assistant officers in charge (except foreign);
- (xi) Chief patrol agents;
- (xii) Deputy chief patrol agents;
- (xiii) Assistant chief patrol agents;
- (xiv) Patrol agents in charge;
- (xv) Assistant patrol agents in charge;
- (xvi) Field operations supervisors;
- (xvii) Special operations supervisors;
- (xviii) Supervisory border patrol agents;
- (xix) The Assistant Commissioner, Investigations;
- (xx) Institutional Hearing Program directors;
- (xxi) Area port directors;
- (xxii) Port directors;
- (xxiii) Deputy port directors;
- (xxiv) Assistant Area port directors;
- (xxv) Supervisory deportation officers;
- (xxvi) Supervisory detention and deportation officers;
- (xxvii) Group Supervisors;
- (xxviii) Director, Office of Detention and Removal Operations;
- (xxix) Special Agents in Charge;
- (xxx) Deputy Special Agents in Charge;
- (xxxi) Associate Special Agents in Charge;
- (xxxii) Assistant Special Agents in Charge;
- (xxxiii) Resident Agents in Charge;
- (xxxiv) Field Office Directors;
- (xxxv) Deputy Field Office Directors;
- (xxxvi) District Field Officers;
- (xxxvii) Supervisory district adjudications officers;
- (xxxviii) Supervisory asylum officers;
- (xxxix) Supervisory special agents;
- (xl) Director of Investigations;

- (xli) Directors or officers in charge of detention facilities;
  - (xlii) Directors of field operations;
  - (xliii) Deputy or assistant directors of field operations;
  - (xliv) Unit Chief, Law Enforcement Support Center;
  - (xlv) Section Chief, Law Enforcement Support Center;
  - (xlvi) Director, Field Operations;
  - (xlvii) Deputy Director, Field Operations;
  - (xlviii) Assistant Director, Field Operations;
  - (xlix) Immigration Enforcement Agents; or
  - (l) Other officers or employees of the Department or the United States who are delegated the authority as provided in 8 CFR 2.1 to issue warrants of arrest.
- (3) *Service of warrant of arrests for immigration violations.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power pursuant to section 287(a) of the Act to execute warrants of arrest for administrative immigration violations issued under section 236 of the Act or to execute warrants of criminal arrest issued under the authority of the United States:
- (i) Border patrol agents, including aircraft pilots;
  - (ii) Special agents;
  - (iii) Deportation officers;
  - (iv) Detention enforcement officers or immigration enforcement agents (warrants of arrest for administrative immigration violations only);
  - (v) Immigration inspectors;
  - (vi) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;
  - (vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and
  - (viii) Immigration officers who need the authority to execute arrest warrants for immigration violations under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.
- (4) *Service of warrant of arrests for non-immigration violations.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to execute warrants of criminal arrest for non-immigration violations issued under the authority of the United States:
- (i) Border patrol agents, including aircraft pilots;
  - (ii) Special agents;
  - (iii) Deportation officers;
  - (iv) Immigration enforcement agents;
  - (v) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and



(vi) Immigration officers who need the authority to execute warrants of arrest for non-Immigration violations under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(f) *Power and authority to carry firearms.* The following immigration officers who have successfully completed basic Immigration enforcement training are hereby authorized and designated to exercise the power conferred by section 287(a) of the Act to carry firearms provided that they are individually qualified by training and experience to handle and safely operate the firearms they are permitted to carry, maintain proficiency in the use of such firearms, and adhere to the provisions of the enforcement standard governing the use of force in 8 CFR 287.8(a):

- (1) Border patrol agents, including aircraft pilots;
- (2) Special agents;
- (3) Deportation officers;
- (4) Detention enforcement officers or immigration enforcement agents;
- (5) Immigration inspectors;
- (6) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;
- (7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and
- (8) Immigration officers who need the authority to carry firearms under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

[68 FR 35277, June 13, 2003, as amended at 70 FR 67089, Nov. 4, 2005]

# EXHIBIT

11

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) [Redacted]  
You, [Redacted] are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) 11/07/2011 on 11/01/2011 before [Redacted] Detention & Deportation Officer  
(Date) (Name and Title of Investigating Official)

at the Hartford Sub Office, 450 Main Street, Hartford, CT 06103  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

- ☐ A Witness  
☒ A Subject

(b)(6),(b)(7)(C) [Redacted]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [Redacted] Acknowledgement of Receipt  
Employee Signature  
Date 11/7/11



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged mistreatment of a Muslim by ICE agents when he  
was stopped and detained during a traffic stop and misuse of position.  
(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You, [REDACTED]  
(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's Initials [REDACTED] Date 11/7/14

DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
For Official Use Only Not for Public Disclosure

ADMINISTRATIVE INQUIRY

STATE OF: CONNECTICUT

COUNTY OF: Hartford

I am Detention and Deportation Officer Dana Day and I am conducting an Administrative Inquiry on behalf of the Office of Professional Responsibility. I would like to speak with you regarding your knowledge of an instance of possible misconduct. Specifically, it has been alleged that a Muslim was mistreated by ICE agents during a traffic stop.

***"Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief?"***

***"Employees are required to respond truthfully, under oath, whether orally or in writing TO PROPER QUESTIONS, pursuant to Title 31 Section 0.207."***

(b)(6),(b)(7)(C) [redacted] being duly sworn, hereby depose and state:

I am providing the following statement in response to questions, which were posed to me by an agency designated fact finder of U.S. Immigration and Customs Enforcement, pursuant to an administrative inquiry/management referral. My statement is made in a question and answer format.

1. Is there anything that may impede your ability to provide a truthful statement today?  
No

2. Do you consider yourself to be under the influence of any medication, alcohol or any other substance at this time?  
No

3. Please state your full name, present position, and grade.  
(b)(6),(b)(7)(C) [redacted] Immigration Enforcement Agent GS-9

4. How long have you been employed at ICE/ERO (Legacy Agency)?  
Since 2006

5. What is your current assignment at your duty station?  
I am assigned to the Fugitive Operations program in Hartford CT

(b)(6),(b)(7)(C) [redacted] 11/7/14  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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6. How long have you worked in your current assignment at your current duty station?

About three years

7. Please provide the address, office phone number and work cell number of your current duty assignment?

(b)(6),(b)(7)(C) [redacted] Hartford CT, office phone 860 240 [redacted], work cell 860 [redacted]  
(b)(6),(b)(7)(C) 221 [redacted]

8. Please describe the job related duties you perform on a daily basis.

To provide back up for the Deportation Officers when in the field, Help provide transportation of subjects taken into custody when need. Assist with surveillance and to provide perimeter security when needed.

9. Can you recall if you participated in a Fugitive Operation that took place on or about March 8, 2011?

Yes

10. To what extent was your involvement?

I provided perimeter security, assisted in surveillance, provided back up during the traffic stop and transported the subject to a more secure and private area for field interview of the subject away from the crowd that was gathering by the initial traffic stop.

11. Can you recall the name and purpose of that operation/mission?

No I can not

12. Are you familiar with proper protocol in regards to conduct and use of authority during ICE initiated Fugitive Operations? Explain.

Yes I am familiar with the proper protocol in regards to conduct and use of authority during ICE initiated Fugitive Operations based on the training I received from FLETC during my basic academy training, and my FOTP training.

13. Do you recall who was working with you during the date in question?

(b)(6),(b)(7)(C) Yes, I was working with DO [redacted] and DO [redacted] (b)(6),(b)(7)(C)

14. Were any other agencies involved with this operation? Explain.

No

15. During this operation were you involved with a traffic/vehicle stop? Do you recall who the subject was?

Yes I was involved with the traffic stop. I was the second car behind the primary contact and cover officers. I remember the subject that was in the vehicle that we pulled over.

16. Can you recall the names of the streets where this stop took place?

No I do not remember the street names. But I remember where they are in location to the business that we watched the subject leave. If you walk out the front door of the business and take a right it is the first street on the left.

(b)(6),(b)(7)(C) [redacted] 11/7/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**  
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17. Have you completed training in regards to vehicle stops? If so, from where?

Yes at FLETC

18. Do you know if your partners on this day in question were trained to conduct traffic/vehicle stops?

Yes they too attended FLETC

19. Why was the traffic/vehicle stop initiated?

A source of information informed us that our target worked at this pizza shop and drives a green color car (I believe to be a Honda) with a pizza delivery sign on top. A person matching the physical description of our target exited this business and drove off in that identified vehicle.

20. Was your chain of command advised of the traffic/vehicle stop?

I do not know

21. Were any additional instructions given? Explain.

No

22. Was anyone else contacted regarding the traffic/vehicle stop? Explain.

The local police agency was informed that we are conducting surveillance in the area but to my knowledge no one informed them that we were currently conducting a traffic stop.

(b)(6),(b)(7)(C) 23. Was the driver, Mr. [REDACTED] a target of this operation?

No

(b)(6),(b)(7)(C) 24. Was Mr. [REDACTED] under surveillance prior to this encounter?

No. We were looking for another individual who we believed Mr. [REDACTED] to be prior to our encounter. We were conducting surveillance on the pizza shop that our target was reported to be working at and when Mr. [REDACTED] exited the Pizza shop meet the physical description of our target and entered the vehicle that was described by our sources of information as being driven by our subject. We believed that Mr. [REDACTED] was our target.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

25. Upon contact did you identify yourself? Did the other officers/agents identify themselves?

Explain.

(b)(6),(b)(7)(C) The other officers D.O. [REDACTED] identified ourselves to Mr. [REDACTED] as he and D.O. [REDACTED] were the contact and cover officers during the stop. I provide cover from the rear of the vehicle and was not in a position to speak to the subject.

(b)(6),(b)(7)(C)

26. Were any other agencies involved with this traffic/vehicle stop? Explain.

No

27. Did they identify themselves?

N/A

28. Does ICE have a current MOU with these agencies and/or the local authorities? Explain

I am not aware of a Memorandum of Understanding between ICE and the Local police

(b)(6),(b)(7)(C) [REDACTED] 11/2/11  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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Department That would be handled at a Supervisor or above level. I just know that we have worked with Meriden Police before without any issue.

29. Do you know who would have a copy of this agreement?

No I do not

30. Describe your attire as well as that of the officers involved with this incident? Was this a high or low visibility operation?

(b)(6),(b)(7)(C) It was low visibility, both D.O. [REDACTED] and D.O. [REDACTED] wore neck badges and my badge was on my hip in front of my side arm. And I wore a green tee-shirt with POLICE in black lettering on the front and back of the shirt. (b)(6),(b)(7)(C)

31. Were the law enforcement vehicles clearly marked? Explain

Both vehicles were un-marked. The lead vehicle was a grey ford Taurus X and my vehicle was a dark blue Chevy Impala with heavy tint.

(b)(6),(b)(7)(C) 32. Was Mr. [REDACTED] advised as to why he was stopped? Explain.

(b)(6),(b)(7)(C) Yes, D.O. [REDACTED] explained to him why he was being stopped and questioned. (b)(6),(b)(7)(C)

33. Do you recall if there was an active warrant of arrest for Mr. [REDACTED]

(b)(6),(b)(7)(C) No there was no active warrant for Mr. [REDACTED] to my knowledge. However we were not looking for Mr. [REDACTED] we were looking for a subject that did have an active warrant and matched Mr. [REDACTED] physical description and we had information from different sources stating that the vehicle was used by our target and that he worked at that same business that we observed Mr. [REDACTED] exiting. We believed that Mr. [REDACTED] was our target and we had no supporting evidence as of yet not to believe he was the person we were looking for. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 34. Was Mr. [REDACTED] handcuffed and searched? Was he advised why? Explain.

(b)(6),(b)(7)(C) Yes Mr. [REDACTED] was hand cuffed an searched because we were placing him into the back of my vehicle to transport him to a more secure and private area to continue the field interview because where we conducted the traffic stop was in front of a business and people were coming out of the business to watch what was going on. So for the officers safety and for Mr. [REDACTED] privacy and to avoid his potential embarrassment we transported him to the road on the side of the Meriden police station were we could continue to interview the subject and finger print him with our portable IDENT laptop to obtain the subjects true and correct identity and to confirm that he was not wanted by another agency as a person of interest. The subject had an ID card that appeared to be fraudulent so we were not sure who the subject actually was. Mr. [REDACTED] was told that he was not under arrest at this time. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 35. Was anyone else in the vehicle with Mr. [REDACTED] during this time?

No

36. If so, what happened with them?

N/A

(b)(6),(b)(7)(C) 37. Was Mr. [REDACTED] vehicle searched? On what grounds?  
(b)(6),(b)(7)(C) [REDACTED] 11/2/14

(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
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Yes the subject was asked for ID and the subject stated that it was in the center console area of his vehicle and I asked him if he had any medical issues and took any medication. He stated yes he took medication and the medicine was also in the vehicle.

(b)(6),(b)(7)(C) 38. Was there a reason to believe that Mr. [REDACTED] possessed a weapon? Explain.

No we did not have any intel that the subject possessed a weapon however being a delivery driver in a bad section of town does raise the concern that such a person may carry a weapon for their own safety.

39. Was a weapon or any other contraband discovered during the search? Explain.

No weapon was discovered however a questionable ID was found that appeared to be fraudulent.

(b)(6),(b)(7)(C) 40. Did Mr. [REDACTED] give consent prior to the searching of his vehicle?

The subject gave implied consent to retrieve the ID and the medication. The subject at no time objected to us that he did not want us to retrieve these items out of his vehicle.

41. Have you completed 4<sup>th</sup> Amendment training in regards to unreasonable searches and seizures? If so, when?

Yes we go through bi-annual or quarterly refresher courses before national operations and annually through virtual university.

42. At any point in time during the encounter did Mr. [REDACTED] ask to contact his attorney? Explain.

(b)(6),(b)(7)(C)

No.

(b)(6),(b)(7)(C) 43. Was Mr. [REDACTED] ever allowed to contact his attorney? When?

N/A

(b)(6),(b)(7)(C) 44. Was Mr. [REDACTED] transported to a parking area outside the courthouse for further questioning and fingerprinting? Why was he not taken inside? Explain.

(b)(6),(b)(7)(C) Mr. [REDACTED] was transported to a side street next to the Police station in Meriden so that he could be IDENTed so that we could positively id Mr. [REDACTED] as not being our target or a person of interest. We used a portable IDENT laptop so there was no need to enter the police station, we could fingerprint him from the vehicle. Where we conducted the initial vehicle stop was in front of a business that was drawing a crowd so for officer safety and the discretion and privacy of Mr. [REDACTED] we brought him to the police station to continue the field interview and IDENT him because of the questionable ID that was offered as identification.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 45. Was Mr. [REDACTED] eventually detained? If so, where?

(b)(6),(b)(7)(C) No Mr. [REDACTED] was never detained. We released him back to his vehicle after we positively identified him as not being our target or a person of interest.

(b)(6),(b)(7)(C) 46. Was a photo of Mr. [REDACTED] former roommate [REDACTED] shown to him? Explain.

A photo of the individual that we were looking for on our FOW was shown to [REDACTED] to ascertain if [REDACTED] knew the subject. As too what relationship the subject is to Mr. [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

[REDACTED] 11/7/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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(b)(6),(b)(7)(C)

[redacted] I do not remember.

47. Were the roommate and/or other associates the target of this operation? Explain.

The person on the FOW was the target of this investigation.

(b)(6),(b)(7)(C)

48. Was a search of Mr. [redacted] apartment conducted prior to this encounter? Were you involved?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

No. No search was conducted of Mr. [redacted] apartment. I was conducting rear perimeter security when D.O. [redacted] and D.O. [redacted] knocked on the apartment door. To my knowledge no one answered Mr. [redacted] apartment door. However a neighbor supposedly spoke to D.O. [redacted] and D.O. [redacted] who told them how to make contact with the land lord who confirmed that the subject in the FOW lived in his apartment and later identified the vehicle the target drives and place of employment of the target to D.O. [redacted] and D.O. [redacted]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

49. Was Mr. [redacted] present during this search?

No search was conducted.

50. Who else was present during this search?

N/A

51. During this encounter, did you or any other officers involved display discourteous, disrespectful or unprofessional conduct towards Mr. [redacted]? Explain.

(b)(6),(b)(7)(C)

No we were all courteous and respectful to Mr. [redacted]. Mr. [redacted] was always overly helpful and courteous to us. He even thanked us when we returned him to his vehicle and thanked us for not arresting him.

(b)(6),(b)(7)(C)

52. Was a Fugitive Operations Worksheet (FOW) completed for this operation? Who would have a copy of the completed form?

Yes one was created and would be in the work file which D.O. [redacted] should have.

(b)(6),(b)(7)(C)

53. Do you have anything else you would like to add?

(b)(6),(b)(7)(C)

We treated Mr. [redacted] with courtesy and respect. We even took Mr. [redacted] to a more discreet location to continue his field interview and IDENT fingerprinting so that people who were gathering would not be gawking at him. Mr. [redacted] matched the description of the person we were looking for and had a questionable ID that we felt was not a valid for of identification. All the other individuals we spoke to gave us his information as being our target. That was the reason for the encounter. Mr. [redacted] freely admitted to us that he entered the United States without inspection through Canada. We needed to confirm his identity and make sure he was not our target, or a person of interest from any other agency. Mr. [redacted] was released from our field interview in a timely manner and was not placed under arrest despite his self admission that he EWI'ed into the United States. Mr. [redacted] thanked us after the encounter and offered us pizza which we declined.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[redacted] 11/2/11  
(Affiant's Initials and Date)

DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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I have read the foregoing statement consisting of 7 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate, and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily, without any threats or reward, or promises of reward having been made to me in return for it.

(b)(6),(b)(7)(C)

Signature of Affiant

Sworn and Subscribed before me this 7 day of November, 2011

At ICE ERO Hartford Sub Office, 450 Main Street, Hartford, CT 06103.

(b)(6),(b)(7)(C)

Signature of Designated Agency Fact Finder

Printed Name of Agency Fact Finder

Signature of Witness

Printed Name of Witness

(b)(6),(b)(7)(C)

(Affiant's Initials and Date)

7

# EXHIBIT

## 12



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You, [REDACTED] are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) on 11/7/2011 before [REDACTED] Detention & Deportation Officer  
(Date) (Name and Title of Investigating Official)  
(b)(6),(b)(7)(C) at [REDACTED] Hartford, CT 06103  
(Location)

In connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C) [REDACTED]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [REDACTED]  
Employee Signature

11/7/2011  
Date

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

GENERAL NOTICE

I am investigating the alleged mistreatment of a Muslim by ICE agents when he  
was stopped and detained during a traffic stop and misuse of position.  
(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C)  
You



(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C)  
Employee's initials



Date

11/7/11

DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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ADMINISTRATIVE INQUIRY

STATE OF: CONNECTICUT

COUNTY OF: Hartford

(b)(6),(b)(7)(C) I am Detention and Deportation Officer [REDACTED] and I am conducting an Administrative Inquiry on behalf of the Office of Professional Responsibility. I would like to speak with you regarding your knowledge of an instance of possible misconduct. Specifically, it has been alleged that a Muslim was mistreated by ICE agents during a traffic stop.

***"Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief?"***

***"Employees are required to respond truthfully, under oath, whether orally or in writing TO PROPER QUESTIONS, pursuant to Title 31 Section 0.207."***

(b)(6),(b)(7)(C) I [REDACTED] being duly sworn, hereby depose and state:

I am providing the following statement in response to questions, which were posed to me by an agency designated fact finder of U.S. Immigration and Customs Enforcement, pursuant to an administrative inquiry/management referral. My statement is made in a question and answer format.

1. Is there anything that may impede your ability to provide a truthful statement today?  
No.
2. Do you consider yourself to be under the influence of any medication, alcohol or any other substance at this time?  
No.
3. Please state your full name, present position, and grade.  
(b)(6),(b)(7)(C) [REDACTED] Deportation Officer, GS-12.
4. How long have you been employed at ICE/ERO (Legacy Agency)?  
June 1997.

5. What is your current assignment at your duty station?

(b)(6),(b)(7)(C) [REDACTED] tive Operations.

(b)(6),(b)(7)(C) [REDACTED] 11/7/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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6. How long have you worked in your current assignment at your current duty station?  
Since 2008.

7. Please provide the address, office phone number and work cell number of your current duty assignment?

(b)(6),(b)(7)(C)

[REDACTED]

Hartford, CT 860-240 [REDACTED] 860-883 [REDACTED]

(b)(6),(b)(7)(C)

8. Please describe the job related duties you perform on a daily basis.

Conduct alien file reviews to initiate fugitive investigations to locate fugitive aliens.  
Conduct surveillance and filed work to locate fugitives.

9. Can you recall if you participated in a Fugitive Operation that took place on or about March 8, 2011? I do not recall participating in a specific operation on that specific date, but I was involved in a case in Meriden about that time.

10. To what extent was your involvement?

I was the cover officer.

11. Can you recall the name and purpose of that operation/mission?

(b)(6),(b)(7)(C)

Officer [REDACTED] was following up leads to close out a case. I do not recall any specific names.

12. Are you familiar with proper protocol in regards to conduct and use of authority during ICE initiated Fugitive Operations? Explain. Yes, we have basic academy training and frequent updates, policy guidelines and supervisory oversight.

13. Do you recall who was working with you during the date in question?

(b)(6),(b)(7)(C)

Deportation Officer [REDACTED] and Immigration Enforcement Agent [REDACTED]

(b)(6),(b)(7)(C)

14. Were any other agencies involved with this operation? Explain.

The Law Enforcement Support Center was contacted.

15. During this operation were you involved with a traffic/vehicle stop? Do you recall who the target was? I was involved in a traffic stop. I do not recall who the target or subject was.

(b)(6),(b)(7)(C)

[REDACTED]

11/7/11

(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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16. Can you recall the names of the streets where this stop took place?

No.

17. Have you completed training in regards to vehicle stops? If so, from where?

Yes. The U.S. Border Patrol Academy in 1997, Fugitive Operations Training Program in 2007 and local training.

18. Do you know if your partners on this day in question were trained to conduct traffic/vehicle stops?

They were.

19. Why was the traffic/vehicle stop initiated?

We gathered information that our target drove a specific vehicle with specific markings on in. A person fitting the description was seen getting into the vehicle in question.

20. Was your chain of command advised of the traffic/vehicle stop?

Afterwards.

21. Were any additional instructions given? Explain.

Not that I know of.

22. Was anyone else contacted regarding the traffic/vehicle stop? Explain.

The LESC was contacted to run biographical information on the subject we encountered.

(b)(6),(b)(7)(C) 23. Was Mr. [REDACTED] the operator of the vehicle, the target of this operation?  
He was not.

(b)(6),(b)(7)(C) 24. Was Mr. [REDACTED] under surveillance prior to this encounter?  
The vehicle was for a very brief time.

25. Upon contact did you identify yourself? Did the other officers/agents identify themselves? Explain.

Yes. I had my badge displayed from a neck chain and we announced who we were.

26. Were any other agencies involved with this traffic/vehicle stop? Explain.

No.

(b)(6),(b)(7)(C) [REDACTED] 11/7/11  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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27. Does ICE have a current MOU with these agencies and/or the local authorities? Explain.  
Not that I know of.

28. Do you know who would have a copy of this agreement?  
No.

29. Describe your attire as well as that of the officers involved with this incident? Was this a high or low visibility operation?  
Plainclothes. Low visibility.

30. Were the law enforcement vehicles clearly marked? Explain.  
Undercover vehicles equipped with emergency equipment.

(b)(6),(b)(7)(C) 31. Was Mr. [REDACTED] advised as to why he was stopped? Explain.

(b)(6),(b)(7)(C) Yes, DO [REDACTED] explained why he was stopped and who we were looking for.

32. Do you recall if there was an active warrant of arrest for Mr. [REDACTED] (b)(6),(b)(7)(C)  
Not that I know of.

(b)(6),(b)(7)(C) 33. Was Mr. [REDACTED] handcuffed and searched? Was he advised why? Explain.

I do not recall if he was handcuffed, but he may have been. He was advised of what was going on at all times and the reason.

(b)(6),(b)(7)(C) 34. Was anyone else in the vehicle with Mr. [REDACTED] during this time?  
No.

35. If so, what happened with them?  
N/A.

(b)(6),(b)(7)(C) 36. Was there a reason to believe that Mr. [REDACTED] possessed a weapon? Explain.  
No.

(b)(6),(b)(7)(C) 37. Was any weapon or any other contraband discovered during the search? Explain.

[REDACTED] 11/7/4  
(Affiant's Initials and Date)



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No.

(b)(6),(b)(7)(C)

38. Did Mr. [REDACTED] give consent prior to the searching of his vehicle?

I don't recall.

39. Have you completed 4<sup>th</sup> Amendment training in regards to unreasonable searches and seizures? If so, when?

Yes, we have annual training.

40. At any point in time during the encounter did Mr. [REDACTED] ask to contact his attorney? Explain.

(b)(6),(b)(7)(C)

No.

(b)(6),(b)(7)(C)

41. Was Mr. [REDACTED] ever allowed to contact his attorney? When?

Not that I know of.

(b)(6),(b)(7)(C)

42. Was Mr. [REDACTED] transported to a parking area outside the courthouse for further questioning and fingerprinting? Why was he not taken inside? Explain.

Yes. He was transported to the back of the Meriden Police Department, I believe, to provide a more secure and private location. He was not taken inside because the government issued laptop used to fingerprint him works on an air card.

(b)(6),(b)(7)(C)

43. Was Mr. [REDACTED] eventually detained? If so, where?

No, he was released.

(b)(6),(b)(7)(C)

44. Was a photo of Mr. [REDACTED] former roommate [REDACTED] shown to him? Explain.

(b)(6),(b)(7)(C)

Yes, it was. DC [REDACTED] was attempting to ascertain his whereabouts.

45. Were the roommate and/or the other associates the target of this operation? Explain.

The associate was the target.

(b)(6),(b)(7)(C)

46. Was a search of Mr. [REDACTED] apartment conducted prior to this encounter? Were you involved?

There was no search that I am aware of. We did knock on his door. There was no answer.

(b)(6),(b)(7)(C)

[REDACTED]

11/7/16

(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**  
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47. During this encounter, did you or any other officers involved display discourteous, disrespectful or unprofessional conduct towards Mr. [REDACTED] Explain.

(b)(6),(b)(7)(C)

Absolutely not. Mr. [REDACTED] was very cooperative and very thankful that we did not arrest him for immigration violations as we had every right to do.

48. Was a Fugitive Operations Worksheet (FOW) completed for this operation? Who would have a copy of the completed form?

I think so. There would be a copy in the work folder or A file.

49. Do you have anything else you would like to add?

No.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED]

11/7/4

(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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I have read the foregoing statement consisting of 7 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate, and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily, without any threats or reward, or promises of reward having been made to me in return for it.

(b)(6),(b)(7)(C)

[Redacted Signature]

Signature of Affiant

Sworn and Subscribed before me this 7 day of November, 2011

(b)(6),(b)(7)(C)

AT ICE ERO

[Redacted]

Hartford, CT 06103.

(b)(6),(b)(7)(C)

[Redacted Signature]

(b)(6),(b)(7)(C)

[Redacted Printed Name]

Signature of Designated Agency Fact Finder

Printed Name of Agency Fact Finder

Signature of Witness

Printed Name of Witness

(Affiant's Initials and Date)



# EXHIBIT

# 13

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You \_\_\_\_\_ are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) on 11/7/11 before \_\_\_\_\_ Detention & Deportation Officer  
(Date) (Name and Title of Investigating Official)  
(b)(6),(b)(7)(C) at \_\_\_\_\_ Hartford, CT 06103  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your wilful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ Subject

(b)(6),(b)(7)(C) \_\_\_\_\_  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) \_\_\_\_\_  
Acknowledgement of Receipt  
Employee Signature

Date 11/7/11

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

GENERAL NOTICE

I am investigating the alleged mistreatment of a Muslim by ICE agents when he  
was stopped and detained during a traffic stop and misuse of position.  
(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You   
(Employee's Name)

are the subject of the investigation concerning this matter.

One of the following must be checked.

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

One of the following must be checked.

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's initials 

Date 11/2/11



DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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ADMINISTRATIVE INQUIRY

STATE OF: CONNECTICUT

COUNTY OF: Hartford

(b)(6),(b)(7)(C)

I am Detention and Deportation Officer [REDACTED] and I am conducting an Administrative Inquiry on behalf of the Office of Professional Responsibility. I would like to speak with you regarding your knowledge of an instance of possible misconduct. Specifically, it has been alleged that a Muslim was mistreated by ICE agents during a traffic stop.

***"Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief?"***

***"Employees are required to respond truthfully, under oath, whether orally or in writing TO PROPER QUESTIONS, pursuant to Title 31 Section 0.207."***

(b)(6),(b)(7)(C)

I [REDACTED] being duly sworn, hereby depose and state:

I am providing the following statement in response to questions, which were posed to me by an agency designated fact finder of U.S. Immigration and Customs Enforcement, pursuant to an administrative inquiry/management referral. My statement is made in a question and answer format.

1. Is there anything that may impede your ability to provide a truthful statement today?  
No.

2. Do you consider yourself to be under the influence of any medication, alcohol or any other substance at this time?  
No.

(b)(6),(b)(7)(C)

3. Please state your full name, present position, and grade.  
[REDACTED] Deportation Officer, GS-12.

4. How long have you been employed at ICE/ERO (Legacy Agency)?  
14 years to include U.S. Border Patrol.

5. What is your current assignment at your duty station?  
(b)(6),(b)(7)(C) [REDACTED] ently assigned to the ICE Fugitive Unit in Hartford, CT.

[REDACTED] 11/2/11  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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6. How long have you worked in your current assignment at your current duty station?  
I have had this current assignment for approximately five years.

7. Please provide the address, office phone number and work cell number of your current duty assignment?

(b)(6),(b)(7)(C)

Hartford, CT

(b)(6),(b)(7)(C)

860-240-

860-250-

8. Please describe the job related duties you perform on a daily basis.  
My daily assignments include the locating and apprehension of fugitive aliens.

9. Can you recall if you participated in a Fugitive Operation that took place on or about March 8, 2011?

Yes, I participated in a fugitive investigation on that date.

10. To what extent was your involvement?

I was the case officer.

11. Can you recall the name and purpose of that operation/mission?

(b)(6),(b)(7)(C)

This was not an operation or mission. This was a fugitive investigation to confirm the departure of a fugitive identified as Mr. [REDACTED]. We had an unconfirmed departure record in ATS-P and decided to interview a neighbor or landlord to further verify this departure before closing the case.

12. Are you familiar with proper protocol in regards to conduct and use of authority during ICE initiated Fugitive Operations? Explain.

Yes, I have received training at FLETC/FOTP and we receive periodic training on the 4<sup>th</sup> Amendment.

13. Do you recall who was working with you during the date in question?

(b)(6),(b)(7)(C)

DO [REDACTED] and IEA [REDACTED] was with me on that day.

14. Were any other agencies involved with this operation? Explain.

No, but believe I can remember contacting the Meriden Police Department to let them know we were in the area and that we were attempting to conduct an interview.

15. During this operation were you involved with a traffic/vehicle stop? Do you recall who the subject was?

(b)(6),(b)(7)(C)

[REDACTED] 11/7/11  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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(b)(6),(b)(7)(C) Yes, I believe his name was [REDACTED]

16. Can you recall the names of the streets where this stop took place?

This stop took place in front of [REDACTED] which is [REDACTED]

17. Have you completed training in regards to vehicle stops? If so, from where?

Yes, I received training at FLETC/FOTP.

18. Do you know if your partners on this day in question were trained to conduct traffic/vehicle stops?

(b)(6),(b)(7)(C) I know DO [REDACTED] has been trained to conduct vehicle stops at FLETC/FOTP.

19. Why was the traffic/vehicle stop initiated?

An interview conducted with the fugitive's last known landlord revealed that there was a recent possible sighting of the subject. The landlord stated that he thought he saw the fugitive delivering pizza for [REDACTED] on Main Street. He further stated that the subject was driving a green Honda. Upon arrival at the Pizza Shop, a subject matching the description of the fugitive was seen getting into a green Honda with an [REDACTED] sign on the roof.

20. Was your chain of command advised of the traffic/vehicle stop?

(b)(6),(b)(7)(C) I advised SDDO [REDACTED] of the vehicle stop either that night during an operation in Bridgeport, CT, or the following day. I do not remember exactly when.

21. Were any additional instructions given? Explain.

No.

22. Was anyone else contacted regarding the traffic/vehicle stop? Explain.

No.

(b)(6),(b)(7)(C) 23. Was Mr. [REDACTED] the operator of the vehicle, the target of this operation?

(b)(6),(b)(7)(C) No, Mr. [REDACTED] was not the target of this investigation.

(b)(6),(b)(7)(C) 24. Was Mr. [REDACTED] under surveillance prior to this encounter?

He was observed for a short time as he was preparing to get into the vehicle.

25. Upon contact did you identify yourself? Did the other officers/agents identify themselves? Explain.

(b)(6),(b)(7)(C) Yes, All of the Officers/Agents were displaying ICE badges on neck chains and I presented my ICE credentials to Mr. [REDACTED]

26. Were any other agencies involved with this traffic/vehicle stop? Explain.

No

(b)(6),(b)(7)(C) [REDACTED] 11/2/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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27. Does ICE have a current MOU with these agencies and/or the local authorities? Explain  
I do not believe that ICE has an MOU with the Meriden Police department.

28. Describe your attire as well as that of the officers involved with this incident? Was this a high or low visibility operation?

I do not remember what we were wearing, but I do know that we were all displaying ICE badges as described above. This was a low visibility investigation.

29. Were the law enforcement vehicles clearly marked? Explain

The vehicles were unmarked. During the vehicle stop, both vehicles activated their emergency lights.

(b)(6),(b)(7)(C) 30. Was Mr. [REDACTED] advised as to why he was stopped? Explain.

(b)(6),(b)(7)(C) Yes, Mr. [REDACTED] was advised that we were from Immigration and that we were conducting an investigation as to the whereabouts of a fugitive. My credentials were presented to Mr. [REDACTED] during this vehicle stop.

31. Do you recall if there was an active warrant of arrest for Mr. [REDACTED] (b)(6),(b)(7)(C)

No.

(b)(6),(b)(7)(C) 32. Was Mr. [REDACTED] handcuffed and searched? Was he advised why? Explain.

(b)(6),(b)(7)(C) Yes, Mr. [REDACTED] was handcuffed and a cursory search was conducted for officer safety. I told Mr. [REDACTED] as I do everyone in this situation, that this was for safety reasons. This was done after the subject freely admitted to being an undocumented alien from Pakistan.

(b)(6),(b)(7)(C) 33. Was anyone else in the vehicle with Mr. [REDACTED] during this time?

No.

(b)(6),(b)(7)(C) 34. Was Mr. [REDACTED] vehicle searched? On what grounds?

(b)(6),(b)(7)(C) The only part of Mr. [REDACTED] vehicle that I recall being searched was the center consol. We asked him for identification, and he replied that his driver's license was in the center consol. He freely gave consent to retrieve this document. A cursory search for weapons might have been made near the driver's side seat, but I don't remember for sure.

(b)(6),(b)(7)(C) 35. Was there a reason to believe that Mr. [REDACTED] possessed a weapon? Explain.

No.

36. Was a weapon or any other contraband discovered during the search? Explain.

No.

(b)(6),(b)(7)(C) 37. Did Mr. [REDACTED] give consent prior to the searching of his vehicle?

As stated above, We asked him for identification, and he replied that his driver's license was in the center consol. He freely gave consent to retrieve this document.

(b)(6),(b)(7)(C) 38. Have you completed 4<sup>th</sup> Amendment training in regards to unreasonable searches and

[REDACTED] 11/2/11  
(Affiant's Initials and Date)

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seizures? If so, when?

Yes, I received this training at FLETC/FOTP and we receive periodic 4<sup>th</sup> Amendment training.

39. At any point in time during the encounter did Mr. [REDACTED] ask to contact his attorney? (b)(6),(b)(7)(C)

Explain.

Not that I heard.

(b)(6),(b)(7)(C) 40. Was Mr. [REDACTED] ever allowed to contact his attorney? When?

I did not hear him ask to contact anyone.

(b)(6),(b)(7)(C) 41. Was Mr. [REDACTED] transported to a parking area outside the courthouse for further questioning and fingerprinting? Why was he not taken inside? Explain.

Yes he was. An immigration interview was conducting after the subject was made aware that we were ICE Officers. The subject freely admitted to being an undocumented alien from Pakistan. The subject's name and date of birth were checked in ICE systems telephonically by contacting the Hartford ICE Office. No record was found and the subject's driver's license appeared to be possibly fraudulent. The traffic stop was made in front of a very busy tow yard with large vehicles coming and going. The stop was also on a hill. This location was still visible from the Pizza Shop. For the driver's privacy and due to officer safety concerns, the subject was transported for approximately one minute to the rear of the Meriden Police Department. This was done to have a safe and discreet location to use an ICE issued Mobil-IDENT computer to make sure that the subject was not the fugitive in question, not another fugitive and not on another agencies list of wanted individuals. The parking behind the police department was limited so a nearby parking area was used. This area was still in view of the police department. No record was found in IDENT and the subject was transported back to his vehicle.

(b)(6),(b)(7)(C) 42. Was Mr. [REDACTED] eventually detained? If so, where?

Yes, as stated above.

(b)(6),(b)(7)(C) 43. Was a photo of Mr. [REDACTED] former roommate, [REDACTED] shown to him?

Explain.

(b)(6),(b)(7)(C) I asked Mr. [REDACTED] to list his former roommates. When He listed [REDACTED], I told him that we were attempting to locate him. I do not remember if I showed him a photo. (b)(6),(b)(7)(C)

44. Were the roommate and/or the other associates the target of this operation? Explain.

(b)(6),(b)(7)(C) Yes, Mr. [REDACTED] was the target of this investigation.

(b)(6),(b)(7)(C) 45. Was a search of Mr. [REDACTED] apartment conducted prior to this encounter? Were you involved?

(b)(6),(b)(7)(C) [REDACTED] 11/3/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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No. At no time did I enter his apartment.

46. During this encounter, did you or any other officers involved display discourteous, disrespectful or unprofessional conduct towards Mr. [REDACTED] Explain. (b)(6),(b)(7)(C)

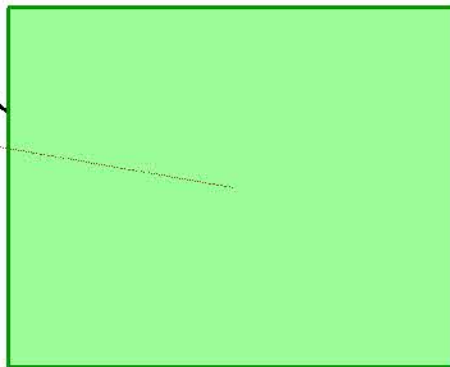
Not at all.

47. Was a Fugitive Operations Worksheet (FOW) completed for this operation? Who would have a copy of the completed form?

I do not remember for sure, but I believe that one was generated. I believe it would be in the fugitive's file.

48. Do you have anything else you would like to add?

(b)(6),(b)(7)(C) Mr. [REDACTED] was treated respectfully during this encounter and all of the ICE Agents/Officer acted professionally. Due the Policy Memo issued on March 3<sup>rd</sup> 2011, by Director Morton concerning the use of prosecutorial discretion and ICE enforcement priorities also detailed by Director Morton Mr. [REDACTED] was released and brought back to his vehicle. (b)(6),(b)(7)(C) Upon learning this, Mr. [REDACTED] was **extremely** grateful. Mr. [REDACTED] even offered to give the agents/officer pizza. This offer was declined. (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) [REDACTED]

(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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I have read the foregoing statement consisting of 7 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate, and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily, without any threats or reward, or promises of reward having been made to me in return for it.

(b)(6),(b)(7)(C)

[Redacted Signature]

Signature of Affiant

Sworn and Subscribed before me this 7 day of November, 2011

ALICE ERO, Notary Public, 450 Main Street, Hartford, CT 06103.

(b)(6),(b)(7)(C)

[Redacted Signature]

Signature of Designated Agency Fact Finder

[Redacted Name]

Printed Name of Agency Fact Finder

(b)(6),(b)(7)(C)

Signature of Witness

Printed Name of Witness

(Affiant's Initials and Date)

# EXHIBIT

# 14

On 3/8/11, members of the Hartford/ICE Fugitive Unit attempted to locate a known fugitive in Meriden, CT. Officers made contact with the property owner of the subject's last known address. The property owner claimed that the subject had moved out several months prior and was now employed by a pizza restaurant on Main Street in Meriden. The property owner also stated that the subject was last seen driving a green Honda. The officers then drove to the pizza restaurant to see if the vehicle was there.

As the officers arrived at the pizza restaurant, they observed a green Honda with a pizza delivery sign on top leaving the front of the restaurant. The driver appeared to match the description of the known fugitive. The officers then conducted a traffic stop in the vicinity of Main Street to identify the driver. When asked for identification, the subject presented a New York Drivers License. One of the ICE officers, who previously worked in New York, believed that the document appeared to be fraudulent. When asked about his immigration status, the subject freely admitted to being an undocumented alien from Pakistan. When asked about how he last entered the US, the subject freely admitted to illegally entering the US without being inspected by an Immigration Official. Due to the information received from the property manager, the doubtfulness of the identity document and the subject's resemblance to the fugitive, it was decided to check the driver's fingerprints with Mobile-IDENT. Due to the heavy traffic on Main Street and proximity to the pizza restaurant, it was decided that the driver would be brought to the Meriden Police Department for officer safety reasons. The officers then, for officer safety, handcuffed the driver and transported him a few blocks to the police department. Behind the department, the subject was enrolled in Mobile-IDENT. The search only transaction resulted in no match being found. The subject was interviewed to see if he knew anything about the whereabouts of the fugitive. The driver claimed that the fugitive used to live with him, but had returned to Pakistan. Due to detention space considerations and ICE enforcement priorities, prosecutorial discretion was exercised and the subject was returned to his vehicle with no enforcement action taken. The driver was told that he should leave the US due to his immigration status. Additionally he was told that, even though he is in the US illegally, he was not being taken into ICE custody. The subject was extremely grateful and offered to buy the officers pizza. This offer was declined.

(b)(6),(b)(7)(C) Subsequent to the above incident, SDDO [REDACTED] asked this officer to generate a narrative of the events due to an ICE/HQ inquiry.

\* Copy of NARRATIVE PREPARED BY D.O. [REDACTED] FOR SDDO [REDACTED]  
REGARDING INCIDENT.

(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)



# EXHIBIT

15

# CALL MASTER RECORD

08/16/2011

Call ID: [REDACTED]  
Line/Unit: C  
Date Entered: 03/08/2011 12:31:02  
Phone #: ( ) [REDACTED]  
Anonymous? N  
Tecs Id:  
SAC: RAC: OTHR:

Type: 56  
Addl:  
Entered By: [REDACTED]  
Status: K

(b)(6),(b)(7)(C)

Caller Name: [REDACTED] Pin #: [REDACTED]  
Address #1: DEPRTN OFFCR/LOC: HAR

Subject:

(b)(6),(b)(7)(C)

Dob: [REDACTED] Cob: PK

(b)(6),(b)(7)(C)

Oln: [REDACTED]

Synopsis:

ICE Officer status check

Narrative:

Negative

# EXHIBIT 2



# EXHIBIT 3

# EXHIBIT 4

# EXHIBIT

5



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Washington, District of Columbia

COUNTY OF: \_\_\_\_\_

(b)(6),(b)(7)(C)

I, Detention and Deportation Officer [REDACTED]

being duly sworn, state the following:

I am a Designated Agency Fact Finder for U.S. Immigration and Customs Enforcement.

(b)(6),(b)(7)(C)

On November 1, 2011, I interviewed Mr. [REDACTED] at a local Subway restaurant in Meriden, Connecticut. This person to person interview was a follow-up to a telephonic interview that took place on September 21, 2011. Mr. [REDACTED] stated that he did recall (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

being approached by ICE officers on or about March 8, 2011 at his place of business, a pizza shop in Meriden, CT. Mr. [REDACTED] stated that the officers were in plain clothes and inquired about a person believed to be an ICE fugitive. Mr. [REDACTED] stated that the officers were very professional and because patrons were beginning to stare, they honored his request to continue the conversation elsewhere. Mr. [REDACTED] stated that the conversation continued outside his place of business and that he believed that the person they were looking for had already departed the U.S. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Mr. [REDACTED] stated that he believed the person being sought was an associate or friend of

(b)(6),(b)(7)(C)

[REDACTED] and that he would be their best source to confirm his whereabouts. Mr. [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] then stated that he informed the officers of the address where Mr. [REDACTED] could be (b)(6),(b)(7)(C)

found. That location was another local pizza shop called Uptown Pizza. Mr. [REDACTED] stated (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

that he did not accompany the officers to the residence but returned to back into his place of business. Mr. [REDACTED] stated that he never once left his place of business on

(b)(6),(b)(7)(C)

that day or any other day to assist ICE officers with gaining entry into the residence of anyone to include that of Mr. [REDACTED]. Mr. [REDACTED] refused to provide a written affidavit but agreed to speak with me on this date.

Prior to the commencement of this interview several attempts were made via cellular and office numbers as well as email to establish contact with Mr. [REDACTED] and/or the local (b)(6),(b)(7)(C)

representative from the Council on American-Islamic Relations (CAIR) whom filed this

complaint on his behalf. As of the date of this affidavit, a response has not been

received. During this interview, the possible whereabouts of Mr. [REDACTED] was discussed and (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Mr. [REDACTED] advised that he should be at his residence. Mr. [REDACTED] advised that the (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

location of Mr. [REDACTED] residence was nearby and that he could accompany me there. I

agreed to follow him to the residence and advised local ICE officials of my plans. Upon

arriving at the apartment building located on Liberty Street where [REDACTED] resided, Mr. [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] advised that he did not see his vehicle. The main entry door was not completely

(b)(6),(b)(7)(C)

secured and Mr. [REDACTED] directed me to Mr. [REDACTED] apartment. I knocked on the apartment

door several times but there was no response and decided to conclude my interactions with

(b)(6),(b)(7)(C)

Mr. [REDACTED]. The apartment building is adjacent to the pizza establishment where Mr.

(b)(6),(b)(7)(C)

[REDACTED] manages and where he was approached by the ICE officers on the day in question.

(b)(6),(b)(7)(C)

\_\_\_\_\_  
Interviewing Official (Name & Title)

\_\_\_\_\_  
Affiant's Initials

Page 1 of 2

ICE Form 70-038 (11/09)

ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)

*Nothing more to follow*

(b)(6),(b)(7)(C)

I have read the foregoing statement consisting of 2 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promise of reward having been made to me in return for it.

(b)(6),(b)(7)(C)

Subscribed and sworn to me

on 15, in the month  
of FEBRUARY,  
in the year of 2012.

Affiant

(b)(6),(b)(7)(C)

Witness

Interviewing Official (Name & Title)

Signature

Page 2 of 2

ICE Form 70-038 (11/09)

# EXHIBIT

6



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You, [REDACTED] are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) on 11/01/2011 before [REDACTED] Detention & Deportation Officer  
(Date) (Name and Title of Investigating Official)  
(b)(6),(b)(7)(C) at [REDACTED] Hartford, CT 06103  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☒ A Witness

☐ A Subject

(b)(6),(b)(7)(C) [REDACTED]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [REDACTED] Statement of Receipt  
Employee Signature

Date 11/1/11

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged mistreatment of a Muslim by ICE agents when he  
was stopped and detained during a traffic stop and misuse of position.  
(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C)  
You



(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C)  
Employee's initial



Date

6/1/11

DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
For Official Use Only Not for Public Disclosure

ADMINISTRATIVE INQUIRY

STATE OF: CONNECTICUT

COUNTY OF: Hartford

(b)(6),(b)(7)(C) I am Detention and Deportation Officer [REDACTED] and I am conducting an Administrative Inquiry on behalf of the Office of Professional Responsibility. I would like to speak with you regarding your knowledge of an instance of possible misconduct. Specifically, it has been alleged that a Muslim was mistreated by ICE agents during a traffic stop.

***"Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief?"***

***"Employees are required to respond truthfully, under oath, whether orally or in writing TO PROPER QUESTIONS, pursuant to Title 31 Section 0.207."***

(b)(6),(b)(7)(C) I, [REDACTED] being duly sworn, hereby depose and state:

I am providing the following statement in response to questions, which were posed to me by an agency designated fact finder of U.S. Immigration and Customs Enforcement, pursuant to an administrative inquiry/management referral. My statement is made in a question and answer format.

1. Is there anything that may impede your ability to provide a truthful statement today?  
No.

2. Do you consider yourself to be under the influence of any medication, alcohol or any other substance at this time?  
No.

3. Please state your full name, present position, and grade.  
(b)(6),(b)(7)(C) [REDACTED] SDDO, GS-13

4. How long have you been employed at ICE/ERO (Legacy Agency)?  
16 years.

5. What is your current assignment at your duty station?

I am the supervisor of the Non-Detained Docket, Alternatives to Detention and Detention

(b)(6),(b)(7)(C) [REDACTED] WJU  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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Operations in Hartford, CT.

6. How long have you worked in your current assignment at your current duty station?

I was assigned to my current unit(s) approximately 3 months ago, August 2011.

7. Please provide the address, office phone number and work cell number of your current duty assignment?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] Hartford, CT 06103. Office Tel. 860-240-[REDACTED] cell 860-250-

(b)(6),(b)(7)(C)

8. Please describe the job related duties you perform on a daily basis.

I supervise 2 Deportation Officers, 5 Immigration Enforcement Agents and 2 Docket Removal Assistants (DRAs) who are involved in direct docket management, including the alternatives to detention program, and the daily detention operations management.

9. Were you supervising the Fugitive Operations Unit in March of this year?

Yes.

10. Can you recall a Fugitive Operation that took place on or about March 8, 2011?

Yes.

11. Can you recall the name and purpose of that operation/mission?

Not the name of the target but the purpose was to arrest an ICE fugitive.

12. Was an operations plan completed for this mission? Was it approved? By whom?

I believe a Field Operations Worksheet (FOW) was completed and approved by me for this operation.

13. Are you familiar with proper protocol in regards to conduct and use of authority during ICE initiated Fugitive Operations? Are the team members? Explain.

Yes, both myself and the Fugitive Operations Team are aware of proper protocols for conduct and use of authority for ICE Fugitive Operations because we have attended the Fugitive Operations Training Program (FOTP) at the ICE Academy in Glynco, GA. We also regularly receive 4<sup>th</sup> Amendment training given by Office of Chief Counsel's Officer and via ICE Virtual University online.

14. What type of training is required in order to be assigned to a Fugitive Operations team?

FOTP is a three-week course at the Academy covering investigative techniques, constitutional law and immigration law.

15. Does this training cover topics such as 4<sup>th</sup> amendment rights, use of authority, conducting vehicle stops, etc.?

Yes

(b)(6),(b)(7)(C)

[REDACTED]  
(Affiant's Initials and Date)

**DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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16. Are refresher courses available after completion of the initial training? How often? I believe so. I've attended FOTP twice. Every team member has attended at least once and I believe there is an advanced class although I cannot recall. Required ICE Virtual University courses must be completed on an annual or semi-annual basis covering such topics as 4<sup>th</sup> Amendment Rights training.

17. Briefly describe the duties of a fugitive operations team.

To locate and arrest ICE fugitives for their ultimate removal from the U.S.

18. Do you recall which of your teams was working on the date in question?

(b)(6),(b)(7)(C) I believe DO [redacted] (the case officer) and DO [redacted] were working on this case this day. (b)(6),(b)(7)(C)

19. How many members are on each team and what are they comprised of, i.e. position, rank, etc?

The team is comprised of an SDDO, 4 Deportation Officers, 1 IEA and 2 assigned DRAs.

20. Are all team members involved with the actual field operation? Explain.

It depends on the target, taking into account whether or not there are multiple targets, criminal history, propensity for violence. All these factors will determine if the whole team is involved in a field operation or only a few members.

21. How long are officers and support personnel assigned to the Fugitive Operations Unit?

I don't believe there is a finite time as Hartford Fugitive Operations members are not on a rotational basis. Most team members have been assigned for over 3-4 years.

22. During this operation were you notified of a traffic/vehicle stop? Do you recall who the subject was?

(b)(6),(b)(7)(C) I was debriefed by DO [redacted] some time after the vehicle stop. I do not recall the subject's name but do recall that he was a national of Pakistan.

23. Were any additional instructions given? Explain.

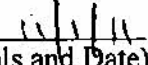
Not that I recall.

24. Do you recall what type of vehicle was stopped, the location and why it was stopped?

(b)(6),(b)(7)(C) Based on my debrief, I believe it was a green Honda. It was stopped because it matched information given to DO [redacted] and DO [redacted] by the landlord where the target allegedly lived.

25. What is the normal protocol once a vehicle is stopped? Explain.

Information is developed that would lead the case officer to believe, establishing probable cause, that the vehicle being stopped most likely contains the fugitive target. The officer would activate his emergency lights to initiate the stop. The officer would identify himself (if it was safe to do so) and would further be visually identified with an ICE neck or belt badge, ICE and/or police identifiers on their outer clothing. The driver would be asked for

(b)(6),(b)(7)(C) [redacted]   
(Affiant's Initials and Date)



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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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identification and questioned regarding his identity to establish whether or not he is the ICE fugitive being sought. If identification established that the subject was the fugitive, he would be amenable to arrest.

- (b)(6),(b)(7)(C) 26. Can you recall if the driver, Mr. [REDACTED] was the target of this operation?  
(b)(6),(b)(7)(C) Based on my debrief, I believe that Mr. [REDACTED] was not the target of the operation.
- (b)(6),(b)(7)(C) 27. Can you recall if Mr. [REDACTED] was under surveillance prior to this operation?  
(b)(6),(b)(7)(C) I cannot recall but do not believe that Mr. [REDACTED] was under surveillance prior the operation.
28. Were any other agencies involved with this vehicle stop? Explain.  
Not that I can recall.
29. Does ICE have a current MOU with these agencies and/or the local authorities? Explain.  
Given that I do not recall whether other agencies were involved, I know of no MOU with these other agencies.
30. Can you provide a copy if needed?  
I do not know of any MOU.
31. What type of attire is authorized and/or approved for high visibility fugitive operations?  
Low visibility operations?  
High visibility is generally ICE or police on outer garments such as raid jacket, tactical vest or hat. Low visibility is generally neck badge worn on the outside of plain cloths.
32. Were the vehicles used for this operation clearly marked or unmarked law enforcement vehicles?  
Unmarked law enforcement vehicles equipped with emergency lights and sirens.
- (b)(6),(b)(7)(C) 33. Do you recall if there was an active warrant of arrest for Mr. [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) I don't believe there was an active ICE or criminal warrant for Mr. [REDACTED] however, I do (b)(6),(b)(7)(C)  
believe during field questioning, Mr. [REDACTED] admitted to the officers that he had overstayed his tourist visa making him amenable to arrest by ICE.
- (b)(6),(b)(7)(C) 34. Can you recall if Mr. [REDACTED] was searched and handcuffed?  
I do not know.
35. If so, do you know if it was explained to him as to why?  
I do not know.
36. Are you familiar with the ICE memo addressing documentation on consent to enter and search?  
Yes.
37. Are your team members familiar with this memo as well? Explain.  
Yes, this is included in FOTP and is referred to in periodic refresher memos and ICE Virtual University training.

(b)(6),(b)(7)(C) [REDACTED]                       
(Affiant's Initials and Date)



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- (b)(6),(b)(7)(C) 38. Do you know if Mr. [REDACTED] gave consent prior to the searching of his vehicle?  
I do not know.
- (b)(6),(b)(7)(C) 39. Was Mr. [REDACTED] advised as to the purpose of the search of his vehicle? Explain.  
I do not know.
- (b)(6),(b)(7)(C) 40. Were you advised that Mr. [REDACTED] wanted to contact his attorney? If so, was he allowed?  
I am not aware that this request was made.
- (b)(6),(b)(7)(C) 41. Can you recall if Mr. [REDACTED] was fingerprinted and processed for detention? If so, where?  
(b)(6),(b)(7)(C) Based on my debrief by DO [REDACTED] Mr. [REDACTED] was fingerprinted on the mobile Ident system to further identify him, checking for prior ICE encounters and/or ICE or other criminal warrants in a parking area in Meriden.
- (b)(6),(b)(7)(C) 42. Can you recall if Mr. [REDACTED] was questioned and fingerprinted in a parking area outside the courthouse?  
(b)(6),(b)(7)(C) Yes, based on my debrief I recall Mr. [REDACTED] was finger printed on the mobile Ident system in a parking area behind a courthouse in Meriden after field questioning established the he had overstayed his tourist visa.
- (b)(6),(b)(7)(C) 43. Was Mr. [REDACTED] taken into custody after questioning and fingerprinting or was he released? Explain.  
(b)(6),(b)(7)(C) Based on my debrief, DO [REDACTED] indicated to me that Mr. [REDACTED] was released. (b)(6),(b)(7)(C)
44. Can you recall if your fugitive team visited Mr. [REDACTED] apartment prior to this encounter?  
(b)(6),(b)(7)(C) I do not know. I do not recall being informed if the fugitive team had visited Mr. [REDACTED] apartment prior to the encounter. However, as I recall, Mr. [REDACTED] and the target lived together, possibly were relatives, so this would be quite possible and expected as part of the fugitive investigation. (b)(6),(b)(7)(C)
- (b)(6),(b)(7)(C) 45. Was Mr. [REDACTED] residence searched during that visit? If so, do you know who gave consent to enter, was it documented and what was their relationship to Mr. [REDACTED]? (b)(6),(b)(7)(C)  
I do not know if the residence was searched.
46. Do you know if any items were taken from the residence? If so, what and why?  
I do not know.
- (b)(6),(b)(7)(C) 47. Can you recall if Mr. [REDACTED] was taken to another location?  
(b)(6),(b)(7)(C) Based on my debrief from DO [REDACTED] Mr. [REDACTED] was transported from the encounter location, which was a busy main street, to a nearby courthouse parking lot in the interest of officer and subject's safety. (b)(6),(b)(7)(C)
48. Have you ever received any complaints about the performance and/or conduct of this fugitive operations team? Explain.  
No.

(b)(6),(b)(7)(C) 49. Was Fugitive Operations Worksheet (FOW) completed for this operation? Please

[REDACTED] 11/1/11  
(Affiant's Initials and Date)



**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**  
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provide a copy.

I believe so. It would be located in the Fugitive Work Folder in our archives and a copy can be provided.

50. Was an after action debriefing held to discuss the mission and address any concerns? Explain.

(b)(6),(b)(7)(C) Yes, some time after the motor vehicle stop, I cannot remember if it was the same day or  
(b)(6),(b)(7)(C) several days later, DO [redacted] gave me a verbal debrief on the fugitive operation. In  
(b)(6),(b)(7)(C) essence that he and DO [redacted] went to the targets apartment building and spoke with the  
(b)(6),(b)(7)(C) landlord who identified their target, based on being shown a photo by Officer [redacted] as  
(b)(6),(b)(7)(C) working at a local pizza restaurant as a delivery person. This landlord further stated that  
(b)(6),(b)(7)(C) subject drove a vehicle (a green Honda believe) matching the description of a vehicle  
(b)(6),(b)(7)(C) already known to Officer [redacted]. A subject possibly matching the photo of DO [redacted]  
(b)(6),(b)(7)(C) target was observed as getting into the target vehicle at which time a motor vehicle stop  
(b)(6),(b)(7)(C) was initiated. While stopped, the driver provided identification and through questioning by  
(b)(6),(b)(7)(C) DO [redacted] subject claimed not to be the target but was a visitor visa overstay. The driver  
(b)(6),(b)(7)(C) was then transported in DO [redacted] GOV to a parking lot behind a courthouse so that he  
(b)(6),(b)(7)(C) could be further identified through the mobile Ident fingerprint system. Once DO [redacted]  
(b)(6),(b)(7)(C) was satisfied the driver was not his target but that he was a visa overstay/violator  
(b)(6),(b)(7)(C) amenable to arrest, DO [redacted] opted to exercise prosecutorial discretion and released  
(b)(6),(b)(7)(C) the driver, transporting him back to his vehicle. DO [redacted] commented that the driver was  
(b)(6),(b)(7)(C) very happy at this outcome and offered DO [redacted] and DO [redacted] pizza. [redacted] informed  
(b)(6),(b)(7)(C) DO [redacted] that he and the target were roommates, possibly related (I can't recall) and  
(b)(6),(b)(7)(C) that based on information provided by the driver, who I now know as Mr. [redacted] DO  
(b)(6),(b)(7)(C) [redacted] was able to confirm that his fugitive/target had departed the U.S.

51. Were any other issues brought to your attention before, during or after this operation?

(b)(6),(b)(7)(C) I was asked some months later after the operation, by HIS/RAC [redacted] whether  
(b)(6),(b)(7)(C) we (ERO/Fug Ops) were involved in a motor vehicle stop in Meriden in March. After  
(b)(6),(b)(7)(C) asking all team members, I called RAC [redacted] back and confirmed it was. He  
(b)(6),(b)(7)(C) informed me that there was a complaint made by CAIR, the Council on American Islamic  
(b)(6),(b)(7)(C) Relations, to the U.S. Attorney's Office in CT regarding this stop. I cannot recall who  
(b)(6),(b)(7)(C) exactly I spoke to, (possibly AUSA [redacted] or [redacted] and  
(b)(6),(b)(7)(C) gave him the above synopsis of the incident in question. About a month or two later, I  
(b)(6),(b)(7)(C) was contacted by HSI [redacted] again asking if ERO was involved in this incident.

52. Were you contacted by any other agency, ICE or otherwise regarding this complaint? Explain.

No other agencies than what is listed above.

53. If contact was made, was a report prepared and what was the outcome? Please provide a copy.

(b)(6),(b)(7)(C) After the second contact by HSI, I briefed by immediate supervisor, AFOD [redacted] of  
(b)(6),(b)(7)(C) the above synopsis listed in #50. A memo or report was completed by DO [redacted] at my  
(b)(6),(b)(7)(C) direction as a result of the 1<sup>st</sup> HSI contact. DO [redacted] can provide a copy.

- (b)(6),(b)(7)(C) 54. Please have anything else you would like to add?

(Affiant's Initials and Date)

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
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(b)(6),(b)(7)(C) As best I can recall this encounter/motor vehicle stop was unremarkable based on the verbal debrief given to me by DO [REDACTED] It is my belief that all actions were reasonable and conducted within ICE policy and procedure.

(b)(6),(b)(7)(C)



I have read the foregoing statement consisting of 7 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate, and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily, without any threats or reward, or promises of reward having been made to me in return for it.

(b)(6),(b)(7)(C)

[REDACTED]

Signature of Affiant

Sworn and Subscribed before me this 1<sup>st</sup> day of November, 2011

ALICE/PRO Hartford Sub Office, 450 Main Street, Hartford, CT 06103.

(b)(6),(b)(7)(C)

[REDACTED]

(b)(6),(b)(7)(C)

[REDACTED]

Signature of Designated Agency Fact Finder

Printed Name of Agency Fact Finder

(b)(6),(b)(7)(C)

[REDACTED]

(b)(6),(b)(7)(C)

[REDACTED]

Signature of Witness

Printed Name of Witness

(Affiant's Initials and Date)



# EXHIBIT

9

## ICE D Field Operations Training Program (DFOTP)

The ICE D Field Operations Training Program (DFOTP) provides ICE Deportation Officers and Immigration and Enforcement Agents with a basic overview of the skills needed to enforce an administrative warrant, from the initiation of a case in its operational planning and preparation, through the actual operation and the constitutional and policy concerns frequently encountered, to the culmination of a case. In addition, emphasis is placed on using these skills in a tactically and legally sound manner that allows the officer to perform in a safe and effective manner consistent with law and policy.

Type: Advanced

Length: 10 training days

Instructors: Instructors assigned to coordinate and work with these programs have significant experience within Immigration and Customs Enforcement; furthermore, all instructors are either ICE personnel currently assigned to the ICE Academy as temporary duty or FLETC instructors assigned trained and recognized as experts in their field of instruction.

### Curriculum:

Law, Policy and Procedure- INA, 4th amendment, FugOps Policy, Use of Force Policy, Gaining Consent,

Field Operations - Basic Tactics, Vehicle Stops, Networking, Tactical Planning, Surveillance, Agency Computer Systems, Clandestine Labs, Intelligence

Defensive Tactics - Ground Defense, Edged Weapons, Escorts and Arm-Bar Takedowns, Intercept Strikes

Firearms - Interactive Cover Drills, Tactical Threat Engagement, Down and Disabled Officer, One Hand Techniques, Handgun/Shotgun Stress

Prerequisites for Attendance: Applicants must be approved by the National Fugitive Operations Program prior to their selection. In addition, Applicants must pass a FLETC health screening, and be in good physical condition. Applicants must have taken the Legal and Policy Based Instruction for ERO Field Operations virtual university course prior to attendance.

From: (b)(6)  
To: (b)(6)  
Subject: Re: CRCL Complaint No: (b)(6)  
Date: Tuesday, June 21, 2011 9:56:42 AM

Great, thank you. I have submitted a close letter to my management. I recommended (b)(5)

(b)(5), (b)(6), (b)(7)(C)

From: (b)(6)  
Sent: Tuesday, June 21, 2011 09:22 AM  
To: (b)(6) @dhs.gov;  
Cc: (b)(6)  
Subject: RE: CRCL Complaint No: (b)(6)

(b)(6)

The agents were given verbal consent to enter the residence.

(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Unit Chief  
Management Oversight Unit  
Homeland Security Investigations  
Immigration and Customs Enforcement  
202-732- (b)(6) (desk)

From: (b)(6) @dhs.gov]  
Sent: Monday, June 20, 2011 10:46 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint No. (b)(6)

(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) – Thank you collecting this information. We have one more question that will help us in closing this complaint:

(b)(5)

(b)(6)  
Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
(202) (b)(6) Office phone  
(202) (b)(6) BB phone (when on travel only)



(b)(6),(b)(7)(C)

From: [REDACTED]  
Sent: Wednesday, June 15, 2011 4:42 PM  
To: (b)(6)  
Cc: [REDACTED]  
Subject: FW: CRCL Complaint No. [REDACTED]  
Importance: High

(b)(6)

Please see the below response to the questions from CRCL. PLEASE keep in mind this is an OPEN investigation and any information provided outside of DHS could jeopardize this investigation. Also, since this was a CRCL "short form" request and HSI promptly responded to the questions, I would like to know if HSI may close the current CRCL inquiry?

(b)(6),(b)(7)(C)

Additionally, [REDACTED] HSI MOU, and I would like to review any response(s) CRCL intends to send to Ms. (b)(6) Congressman Kildee, or any other interested party. Please notify me by COB, Thursday June 16, 2011 if HSI may close the CRCL inquiry. Thank you.

(b)(6),(b)(7)(C)

From: [REDACTED]  
Sent: Wednesday, June 15, 2011 4:25 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: FW: CRCL Complaint No. [REDACTED]  
Importance: High

(b)(6),(b)(7)(C)

Attached is the HSI response to the CRCL Complaint No. [REDACTED]. The purpose of this email is to advise you that HSI Headquarters and SAC/Detroit concurs with the responses to the below questions from the DHS Office for Civil Rights and Civil Liberties (CRCL), which pertain to a SAC/Detroit investigation, which is **OPEN**.

(b)(6),(b)(7)(C)

#### QUESTIONS AND RESPONSES:

(b)(5),(b)(6)

**Response** - ICE agents did not execute a warrant on the day that contact was made with [REDACTED] and [REDACTED]. A Knock and Talk was conducted simultaneously at the two separated addresses.

(b)(5),(b)(6)

**Response** - ICE agents visited the residence of [REDACTED] (b)(6),(b)(7)(C) based on a prior allegation of child molestation by [REDACTED] (b)(6),(b)(7)(C) on [REDACTED] (b)(6),(b)(7)(C) who is an adult admitted to being sexually molested by [REDACTED] (b)(6),(b)(7)(C) when she was a minor. The incident was reported to the local police. The [REDACTED] (b)(6),(b)(7)(C) was sent to live with her [REDACTED] (b)(6),(b)(7)(C). No further investigations were conducted. A Victim Witness Specialist was present during the interview.

○ (b)(5),(b)(6)

(b)(6),(b)(7)(C)

**Response** [redacted] consented to an interview and was advised that it was regarding his attempt to purchase child pornography. To which; he later admitted to his involvement in viewing you girls utilizing the software "CamFrog" and a prior attempt to wire money to Philippines for the intent to view an online sex show involving young girls.

○ (b)(5),(b)(6)

(b)(6),(b)(7)(C)

**Response** [redacted] informed the Agent and the Victim Witness Specialist that [redacted] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[redacted] was the care taker for her son daily, but that she never leaves her son alone with

(b)(6),(b)(7)(C)

[redacted] The agents advised [redacted] and her fiancé [redacted] that a (b)(6),(b)(7)(C)

children's protective service report would be made regarding the potential of sexual

(b)(6),(b)(7)(C)

abuse to their son. To which, they advised that would not continue to allow [redacted] (b)(6),(b)(7)(C)

[redacted] to baby-sit the son due to the potential risk of abuse.

Stacy

From: (b)(6)  
Sent: Monday, May 16, 2011 5:13 PM  
To: (b)(6)  
Subject: Re: Complaint No. [redacted]  
Importance: High

(b)(6),(b)(7)(C)

(b)(6) – Per our conversation this afternoon, (b)(6) and [redacted] request that ICE HSI (b)(6),(b)(7)(C)  
provide written responses to the questions below in connection with the  
attached complaints. HSI is encouraged to attached any evidence that may  
support their responses. (b)(5)

(b)(5) We would appreciate a response from  
HSI as soon as possible.

- (b)(5),(b)(6)
- 1.
  - 2.
  - 3.
  - 4.

Additional information:

- The ECQ workflow (Exec Sec) number for this complaint is [REDACTED] (b)(6),(b)(7)(C)
- This complaint was forwarded to the JIC by [REDACTED] of DHS on 03/31/11. The JIC does not have any open cases on this matter at this time. (b)(6),(b)(7)(C)

Thank you!

[REDACTED] (b)(6)

Compliance Investigator

U.S. Department of Homeland Security Headquarters

Washington, DC

(202) [REDACTED] (b)(6) Office phone

(202) [REDACTED] BB phone (when on travel only)



(b)(6),(b)(7)(C)

From:

To:

(b)(6),(b)(7)(C)

Subject:

RE: CRCL Complaint No:

Date:

Thursday, June 16, 2011 10:19:54 AM

(b)(6)

(b)(6),(b)(7)(C),(b)(5)

(b)(6),(b)(7)(C),  
(b)(7)(E)

(b)(5)

Let me know if this helps or if you have any other questions.

Thanks

(b)(6),(b)(7)(C)

From:

(b)(6)

@dhs.gov]

Sent: Wednesday, June 15, 2011 5:16 PM

(b)(6),(b)(7)(C)

To: (b)(6),(b)(7)(C)

Subject: FW: CRCL Complaint No: [REDACTED]

Importance: High

See ICE HSI's responses below. How would you recommend (b)(5)

(b)(5)

(b)(6)

Compliance Investigator

U.S. Department of Homeland Security Headquarters

Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

Duplicate

(b)(6)

**From:** (b)(6)  
**Sent:** 6/6/2011 8:39 AM  
**To:** (b)(6)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6) complaint CRCL (b)(6)

Thank you. Looking forward to a response.

(b)(6)

Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
(202) (b)(6) Office phone  
(202) (b)(6) BB phone (when on travel only)

(b)(6), (b)(7)(C)  
**From:** (b)(6) [mailto:(b)(6)]  
**Sent:** Tuesday, June 07, 2011 5:54 PM  
**To:** (b)(6)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** (b)(6) complaint CRCL (b)(6)

(b)(6)

(b)(6), (b)(7)(C)  
I had the (b)(6) complaint opened through the JIC and tomorrow it will be assigned to the HSI Management Oversight Unit (MOU). We are providing them your questions for the "short form" and are requesting a one week turnaround for the responses. I believe your POC at MOU will be (b)(6). Hopefully, their responses will be sufficient, but if not, let me know, and we will just assign the case as an MIR or AI as usual.

If somehow you receive responses from elsewhere, please let me know so I can close the case. Thanks

(b)(6), (b)(7)(C)  
**SA** (b)(6)  
Regional Operations Manager  
ICE Office of Professional Responsibility  
(b)(6), (b)(7)(C)  
950 L'Enfant Plaza, (b)(6)  
Washington, DC 20536  
(b)(6), (b)(7)(C)  
Office: (202) 732- (b)(6)  
(b)(6), (b)(7)(C)  
Cell: (202) 903- (b)(6)  
Fax: (202) 732- (b)(6)



(b)(6)

(b)(6),(b)(7)(C)

**From:** [REDACTED]  
**Sent:** Wednesday, May 11, 2011 3:04 PM  
**To:** (b)(6)  
**Subject:** RE: The fun never stops...

(b)(6)

Sorry, still negative results.

(b)(6),(b)(7)(C)

---

**From:** (b)(6) [REDACTED]@dhs.gov  
**Sent:** Wednesday, May 11, 2011 2:46 PM  
**To:** [REDACTED]  
**Subject:** RE: The fun never stops...

(b)(6),(b)(7)(C)

-- Can you check JICMS one more time for any information related to the attached complaint. I just want to be sure before we respond to the CP.

(b)(6)

Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
(202) (b)(6) Office phone  
(202) (b)(6) BB phone (when on travel only)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, May 10, 2011 8:44 AM  
**To:** (b)(6)  
**Subject:** RE: The fun never stops...

(b)(6)

I didn't find any cases involving the individuals mentioned below.

(b)(6),(b)(7)(C)

---

**From:** (b)(6) [REDACTED]@dhs.gov  
**Sent:** Monday, May 09, 2011 5:36 PM  
**To:** [REDACTED]  
**Subject:** Re: The fun never stops...

(b)(6),(b)(7)(C)

-- We just opened up a complaint from a woman in Michigan alleging DHS agents were unprofessional and threatening to one or more minors during a home entry in Millington, Michigan, date unknown. This came to us from FBI and through a congressional referral. The complainant, (b)(6) [REDACTED] claims DHS agents accused her husband of having child pornography and human trafficking. During the home entry, agents supposedly made some statement(s) in front of the minors that Ms. (b)(6) [REDACTED] feels was inappropriate...

(b)(5)

Location: Millington, MI

Date of incident: Unknown (Guessing March based on receipt of complaint by FBI)

ICE component: Unknown – (b)(5)

Complainants: (b)(6) and (b)(6),(b)(7)(C) on behalf of (b)(6)

(b)(6)

Compliance Investigator

U.S. Department of Homeland Security Headquarters

Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

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Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

[REDACTED]

2. REPORT NUMBER

Administrative Inquiry Report 001

4. TITLE

(b)(6),(b)(7)(C)

EMPLOYEE UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical

Abuse)

CA

5. STATUS 6. TYPE

Closing Report Not Referred to Management

7. TOPIC

Use of Excessive Force

8. SUMMARY

On May 11, 2011 the Immigration and Customs Enforcement Office of Professional Responsibility, San Francisco, CA received a letter from [REDACTED] who alleged the excessive

(b)(6),(b)(7)(C)

use of force by ICE Agents during the service of a search warrant on April 26, 2011. The search

(b)(6),(b)(7)(C)

warrant had been served at [REDACTED] rental property at [REDACTED] Davis, CA. [REDACTED] alleged

(b)(6),(b)(7)(C)

that two occupants present at the property during the search had been injured. One occupant had

suffered a miscarriage and another occupant had allegedly been struck in the head and had

swelling to his hands from being handcuffed. Further [REDACTED] alleged ICE agents had caused

(b)(6),(b)(7)(C)

excessive damage to the property. The inquiry is closed and is not being referred for consideration

of Agency action.

10. ORIGINATOR (Print Name & Title) 11. COMPLETION DATE 14. ORIGIN OFFICE

(b)(6),(b)(7)(C)

[REDACTED] ICE OPR Fact Finder 31-JAN-2012 ICE Homeland Security Investigations

12. APPROVED BY(Print Name & Title) 13. APPROVED DATE 15. TELEPHONE NUMBER

(b)(6),(b)(7)(C)

[REDACTED] - ICE-OPR Special Agent Supervisor

31-JAN-2012 No Phone Number

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(b)(6),(b)(7)(C) [REDACTED]  
2. REPORT NUMBER

Administrative Inquiry Report  
CONTINUATION  
001

10. NARRATIVE

Executive Summary:

On May 11, 2011, OPR/San Francisco received a letter from [REDACTED] who alleged the excessive use of force by ICE Agents during the service of a search warrant on April 26, 2011. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) The search warrant had been served at [REDACTED] rental property located at [REDACTED] Davis, CA. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] alleged that two occupants present at the property during the search had been injured.

One of the occupants had suffered a miscarriage as a result of the incident. Another occupant had allegedly been struck in the head and had swelling to his hands from being handcuffed by ICE (b)(6),(b)(7)(C)

agents. Further, [REDACTED] alleged ICE agents had caused excessive damage to the property during the service of the search warrant.

During this administrative inquiry personal interviews were conducted of the ICE agents who conducted the investigation which led to the issuance of the search warrant and agents who participated in the service of the search warrant. The complainant, [REDACTED] and two tenants (b)(6),(b)(7)(C)

who were present at the property during the service of the search warrant were also interviewed.

(b)(6),(b)(7)(C) Additionally, an email solicitation was sent by the Fact Finder (FF) Group Supervisor (GS) [REDACTED] (b)(6),(b)(7)(C)

[REDACTED] to the occupants who were present at the property on the morning of April 26, 2011, who were not available for interview. Only one response was returned in response to the emails; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) the response was received from [REDACTED] This administrative inquiry determined that an

authorized search was conducted at the residence located at [REDACTED] Davis, CA. (b)(6),(b)(7)(C)  
95616,

on April 26, 2011. The search warrant was signed and issued by a U.S. Magistrate Judge

on April

25, 2011 at 10am after finding that the affidavit established probable cause to search the property.

ICE agents executed the search warrant according to Agency Policy and Procedures. In addition, the inquiry findings determined proper procedures were followed in accordance with the Agency's

continuum Use of Force policy. The complainant [REDACTED] provided invoices related

(b)(6),(b)(7)(C)

to property damages and she is in the process of filing a tort claim.

ALLEGATION ONE\*: \*Unauthorized Search of Residence

ALLEGATION TWO: \*Use of Excessive Force

ALLEGATION THREE: \*Damage to Property

Details of Administrative Inquiry:

On May 11, 2011, OPR/San Francisco received a letter from [REDACTED] who alleged the excessive use of force by ICE Agents during the service of a search warrant on April 26, 2011.

(b)(6),(b)(7)(C)

The search warrant had been served at [REDACTED] rental property located at [REDACTED]

(b)(6),(b)(7)(C)

Davis

CA. [REDACTED] alleged that two occupants present at the property during the search had been injured.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



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10. NARRATIVE

One of the occupants had suffered a miscarriage as a result of the incident. The second occupant had allegedly been struck in the head and had swelling to his hands from being handcuffed by ICE

agents. Further, [REDACTED] alleged ICE agents had caused excessive damage to the property during the service of the search warrant (Exhibit #1).

On May 19, 2011 Group Supervisor (GS) [REDACTED] was designated as a fact finder to

conduct the administrative inquiry of the described allegations.

On August 31, 2011 GS [REDACTED] conducted an interview with [REDACTED] (Exhibits # [REDACTED])

2). [REDACTED]

stated her concern was the method of the execution of the search warrant and stated that the

occupants had been traumatized. She was concerned with the excessive use of force as one

occupant, [REDACTED], who was handcuffed, was kicked three times in the head.

She stated

that [REDACTED] complained all day about a headache and she had taken pictures of his swollen hands

which was the result of [REDACTED] being handcuffed by ICE agents. [REDACTED] stated she was also [REDACTED]

concerned because one of the residents, a female from Vietnam named [REDACTED] was [REDACTED]

pregnant at the time and subsequently miscarried the baby. Finally, [REDACTED] was similarly concerned [REDACTED]

about the

damage to the property caused by ICE agents during the service of the search warrant.

[REDACTED]

stated that she had not witnessed the service of the search warrant that her accounting of the

issues is based on what others had told her regarding the entry of the agents and the handcuffing

of [REDACTED]. [REDACTED] provided seven photographs of damage to the residence, and one photograph of

what she stated were the hands of [REDACTED] (Exhibit # 16).

On August 31, 2011 GS [REDACTED] conducted an interview with [REDACTED] [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

grandson (Exhibits # 3) [REDACTED] stated that he had been in the residence when the ICE

agents served the search warrant. He stated at first he thought it was a robbery as one man in the

kitchen pointed a gun at him telling him to put his hand on his head, but he then noticed that the

(b)(6),(b)(7)(C)

man was wearing a vest marked POLICE. [REDACTED] stated he was handcuffed and taken to

the center room in the house with the other occupants of the home. He stated that a woman from

(b)(6),(b)(7)(C)

Vietnam, named [REDACTED] was pulled from her room and also brought to the center room.

(b)(6),(b)(7)(C)

[REDACTED] told agents she was cold and the agents allowed her to get her jacket. He stated that one ICE

agent had told him that they had a warrant and asked for the layout of the home which he provided. He stated that one of the occupants of the home [REDACTED] was handcuffed and

(b)(6),(b)(7)(C)

hit his head. [REDACTED] stated he did not see when [REDACTED] was hit in the head or

(b)(6),(b)(7)(C)

handcuffed. He stated he did see [REDACTED] in handcuffs and there were marks on his wrist from the handcuffs

(b)(6),(b)(7)(C)

[REDACTED] stated that he had asked [REDACTED] if he was okay and [REDACTED] just

(b)(6),(b)(7)(C)

smiled and waived it off. [REDACTED] stated that they were all in the middle of the room for about an hour

(b)(6),(b)(7)(C)

before they were allowed to leave. Before everybody had been released, they were allowed to use

(b)(6),(b)(7)(C)

the kitchen to make breakfast. [REDACTED] added that the agents broke several doors because



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10. NARRATIVE

they failed to communicate with each other.

On September 1, 2011 GS [REDACTED] conducted an interview with ICE Group Supervisor (GS)

[REDACTED] (Exhibit 4). GS [REDACTED] stated that he was the supervisor for the agents that

served that search warrant at [REDACTED] Davis, CA. on April 26, 2011 at about 6:00AM. He

had approached the residence along with Special Agent [REDACTED] at the main entrance, the

front door; other agents had various assignments as they entered the residence. After several

minutes knocking at the door, verbal commands were given for someone to open the door and

someone from inside did. He and Agent [REDACTED] entered the residence and encountered two

females in the room to the left of the front door. As a matter of officer safety, the females were

searched, handcuffed, and taken to the center room of the residence. Four other subjects were

also encountered in the residence, three males and one female; they were also searched and

handcuffed. GS [REDACTED] stated that none of the subjects present had complained about being

injured. GS [REDACTED] added that one of the subjects [REDACTED] had been joking with the

two females he had encountered in the front room. One of the females he had

encountered in the front room, [REDACTED] said she had to get to class and she was hungry [REDACTED] was

permitted access to the kitchen where she cooked breakfast and was allowed to leave the residence. [REDACTED] left for class riding a bicycle. While the residence was being searched the

residents were provided with blankets to keep warm. Upon completion of the search GS [REDACTED]

met outside with [REDACTED] and [REDACTED]. He gave [REDACTED] his business card and asked her to

call him if she had any questions regarding the filing of a tort claim. He never received a



telephone  
call from her.

GS [REDACTED] added that he had discussed with the case agent the plans to service the search

warrant and in accordance with policy it was served in the early morning hours as a matter of

officer safety and reduce the risk of anyone being injured during the service of the warrant. He

stated he and his agents had acted and conducted themselves professionally.

On September 1, 2011 GS [REDACTED] conducted an interview with ICE Special Agent (SA)

(Exhibit 5). SA [REDACTED] stated that he was the case agent of the investigation

which led to

the service of a search warrant at [REDACTED] CA. on April 26, 2011. SA [REDACTED]

made his

entry into the residence along with GS [REDACTED] at the main entrance. They rang the doorbell,

knocked on the door and announced themselves as Police present with a warrant.

Someone

opened the door from inside and he entered into the residence. As a matter of officer safety a

security sweep had been conducted and all the residents found in the residence were handcuffed

searched and brought to a central location. SA [REDACTED] stated he did not hear anyone complaining

about being injured during the search. He was not present in the room that [REDACTED]

[REDACTED] was

encountered, he stated that SA [REDACTED] and SA [REDACTED] made the initial contact with

[REDACTED] SA

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10. NARRATIVE

(b)(6),(b)(7)(C) [redacted] said he did not recall [redacted] a female, [redacted] or any other resident complain

(b)(6),(b)(7)(C) about being injured or abused. SA [redacted] added that one of the females said she was cold and a jacket was retrieved for her to wear. By the end of the service of the search warrant some of the residents were engaging in light-hearted joking with each other. Pictures were taken of the doors that were breeched at the residence.

(b)(6),(b)(7)(C) On September 1, 2011, GS [redacted] conducted an interview with ICE Special Agent (SA) [redacted]

(b)(6),(b)(7)(C) [redacted] (Exhibit 6). During this interview SA [redacted] stated that he participated in the service of a

(b)(6),(b)(7)(C) search warrant at [redacted], Davis, CA. on April 26, 2011. SA [redacted] said he had been assigned

as part of the entry team and once the residence was secured he was assigned to draw a sketch

(b)(6),(b)(7)(C) of the residence. The resident named [redacted] was encountered by SAs

(b)(6),(b)(7)(C) [redacted] and

(b)(6),(b)(7)(C) [redacted] when he entered the room. [redacted] bedroom [redacted] was on the floor. He (SA [redacted] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [redacted] held [redacted] legs while SAs [redacted] and [redacted] handcuffed [redacted] [redacted] was then (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) escorted to the center of the residence to wait while the search was conducted. In direct response to

(b)(6),(b)(7)(C) questions SA [redacted] said that neither [redacted] nor anyone else at the residence had

complained about being injured. He added that one of the ladies had been allowed to cook

breakfast and the others were told that if they had to leave to go to school they were allowed to do

so.

(b)(6),(b)(7)(C) On September 1, 2011 GS [redacted] conducted an interview with ICE Special Agent (SA)

(b)(6),(b)(7)(C) [redacted] (Exhibit 7). SA [redacted] stated that he participated in the service of a search

warrant at

(b)(6),(b)(7)(C) [redacted] Davis, CA. on April 26, 2011. His assignment during the service of the search warrant was a breacher, to gain access to closed areas. He added that he had breached two interior doors during the service of the search warrant. SA [redacted] stated that he had encountered [redacted] in the hallway outside his bedroom. SA [redacted] and other agents identified themselves as Police and [redacted] ran into his bedroom shutting and locking the door. He breached the door and once inside the bedroom [redacted] turned and took steps toward the back of the room. Not knowing what [redacted] was doing or running for, SA [redacted] grabbed him and took him to the floor. While he was taking him to the floor he, SA [redacted] slid up to [redacted] shoulders while SAs [redacted] and [redacted] handcuffed [redacted]. At one point they sat [redacted] on his bed to complete the handcuffing. [redacted] was then escorted to the center room in the residence. SA [redacted] said no one in the residence had complained about being injured. On September 1, 2011 GS [redacted] conducted an interview with ICE Special Agent (SA) [redacted] (Exhibit 8). During this interview SA [redacted] stated he had participated in the service of a search warrant at [redacted], Davis, CA. on April 26, 2011. His assignment during the search was assigned on the entry team and once inside he was assigned to conduct a security sweep, and then to assist on the search of the residence. During this search he and several other agents had handcuffed a resident named [redacted]. SA [redacted] explained that SA [redacted]



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10. NARRATIVE

(b)(6),(b)(7)(C) [REDACTED] had first encountered [REDACTED] who was refusing to comply with verbal commands. As they physically attempted to handcuff [REDACTED], he [REDACTED] kept struggling and they ended up on the floor.

(b)(6),(b)(7)(C) SA [REDACTED], SA [REDACTED] and SA [REDACTED] were finally able to handcuff [REDACTED] and bring him out of the room. Shortly thereafter [REDACTED] was un-handcuffed. When asked, SA [REDACTED] said that no one at the residence had complained about being injured.

(b)(6),(b)(7)(C) On September 2, 2011 at 1:14PM GS [REDACTED] conducted an interview with

(b)(6),(b)(7)(C) [REDACTED] at [REDACTED] Davis, CA. (Exhibit 9). [REDACTED] had been present at [REDACTED] Davis, CA. on April 26, 2011 between 6:00AM to 6:30AM, when the ICE

agents served a search warrant. He had been encountered in the back yard by the ICE agents who had their guns

drawn, he was handcuffed and sat in a chair at the rear of the residence. [REDACTED] stated that he

did hear the agents announce themselves as Police when they entered the residence, however, the Vietnamese females who were present at the residence were traumatized by the incident. He

did note that one of the Vietnamese residents, a visiting scholar, named [REDACTED] had been handcuffed. [REDACTED] later told him that he had panicked when the ICE agents entered and

was later complaining about his head hurting. [REDACTED] said he noted that [REDACTED] wrist appeared to be

swollen. When [REDACTED] was asked about the complaint that [REDACTED] had been hit in the head

[REDACTED] said he had not witnessed the actual handcuffing and [REDACTED] never explained how his

head was hit. When asked if [REDACTED] had said he was struck by fist or kicked [REDACTED] said he

thought [REDACTED] head may have been hit by agents when they physically brought [REDACTED] to

(b)(6),(b)(7)(C) the  
ground and [REDACTED] may have been struck by an elbow while he was being handcuffed. The  
basis  
(b)(6),(b)(7)(C) for his response was his conversations with [REDACTED] as he was not present in the room when  
(b)(6),(b)(7)(C) [REDACTED]  
was handcuffed.

The residents of the home were kept handcuffed for a while [REDACTED] could not  
determine a time  
frame) and he was later allowed by the agents to go to the kitchen area to make some  
coffee.

(b)(6),(b)(7)(C) [REDACTED] said that after the agents realized they were not bad people they were treated  
well.

(b)(6),(b)(7)(C) On September 29, 2011 GS [REDACTED] sent messages, via email, to the following  
individuals, who  
(b)(6),(b)(7)(C) were reported to have been in the residence, [REDACTED] when the search warrant  
was  
served on April 26, 2011 (Exhibit # 10). These individuals had not been available to be  
interviewed

(b)(6),(b)(7)(C) by GS [REDACTED] The emails were sent to the following addressees to request an  
accounting of the  
(b)(6),(b)(7)(C) events on the morning of April 26, 2011: [REDACTED] [REDACTED] [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED]  
(b)(6),(b)(7)(C) and [REDACTED] (Exhibit # 11, # 12, # 13, # 14).

No email address or contact information was provided for [REDACTED] No email  
was  
(b)(6),(b)(7)(C) provided for [REDACTED] when [REDACTED] was asked about [REDACTED] contact (b)(6),(b)(7)(C)  
information

(b)(6),(b)(7)(C) [REDACTED] stated that [REDACTED] had been given the opportunity to allow her [REDACTED] to release the (b)(6),(b)(7)(C)  
contact  
information, but, she had not received a response from [REDACTED] (b)(6),(b)(7)(C)



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(b)(6),(b)(7)(C) On October 9, 2011 an emailed statement was received from [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) (Exhibit # 15). In her response [REDACTED] stated that on April 26 she was at her residence,

[REDACTED] when at about 6:30AM there was a loud banging at the door. After being allowed entrance the agents immediately identified themselves upon entry, but, it felt like a robbery with the agents rushing in pointing guns and flash lights in her face. The residents were handcuffed and brought to a central room in the residence. Once it was determined that no one on the residence was a threat the handcuffs were removed. [REDACTED] concern was the damage the residence as the agents used a ram on doors that could have otherwise been opened without the use of force. While the agents searched the residence they said they had a warrant but she (b)(6),(b)(7)(C) [REDACTED] never saw one. Some of the residents told the agents they had to get to class and they were allowed to leave. There was no indication in her statement that any of the residents had complained about injury.

(b)(6),(b)(7)(C) Through the interviews conducted with ICE agents GS [REDACTED] and SA [REDACTED] (b)(6),(b)(7)(C) [REDACTED] the authority for the service of the search warrants was established and procedure implemented in the service of the search warrant were discussed, The agents produced a Search and Seizure Warrant signed by a United States Magistrate, a Report of Investigation detailing the service of the search warrant on April 26, 2011, an Enforcement Operation Plan, a Sketch of Floor Plan (b)(6),(b)(7)(C) at [REDACTED] (b)(6),(b)(7)(C) [REDACTED] a Photograph Log, and DVD containing 57 digital images taken at the residence (b)(6),(b)(7)(C) [REDACTED] during the service of the search warrant ( Exhibits # 4, # 5, # 17, # 18, # 19, # 20, # 21, # 22).

(b)(6),(b)(7)(C) On September 20, 2011 GS [REDACTED] emailed to [REDACTED] the contact information for [REDACTED] Group (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) Supervisor [REDACTED] for her to follow-up with for instruction on filing of a claim for damages

(b)(6),(b)(7)(C) to her home, at [REDACTED] Davis, CA (Exhibit # 23). Based on a review of the statements and evidence made available to the Fact Finder of this inquiry it was determined that the ICE agents had legal authorization to be at [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [REDACTED] Davis, CA in the service of a lawfully authorized search warrant. There was no evidence of the excessive use of force, the agents followed Agency Policy and Procedures, the ICE agents had

(b)(6),(b)(7)(C) pursued [REDACTED] from a hallway into his room at [REDACTED] while (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) attempting to handcuff [REDACTED] the agents did struggle with [REDACTED] to place him on the floor and

(b)(6),(b)(7)(C) subsequently handcuff him. [REDACTED] made no complaint of injury to the agents [REDACTED] was (b)(6),(b)(7)(C)

not available for interview, nor, was contact information for [REDACTED] provided by [REDACTED]. In (b)(6),(b)(7)(C)

photographs submitted by ICE agents as part of this inquiry, that depict [REDACTED] and [REDACTED] on (b)(6),(b)(7)(C)

April 26, 2011, neither exhibit any physical injury and do not appear distressed. A photograph submitted by

(b)(6),(b)(7)(C) the complainant [REDACTED] does show a pair of hands, purportedly of [REDACTED] (b)(6),(b)(7)(C)

the photograph depicts at least one mark on the left wrist.

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(b)(6),(b)(7)(C) [REDACTED] was referred to Group Supervisor [REDACTED] for instructions on filing a claim  
(b)(6),(b)(7)(C) for  
damages at [REDACTED] which were a result of the service of the search warrant on  
April 26,  
2011.

The inquiry is closed and is not being referred for Agency action.

(b)(6),(b)(7)(C) Exhibits

(b)(6),(b)(7)(C) Exhibit 1\*Letter from [REDACTED] with attachments

(b)(6),(b)(7)(C) Exhibit 2\*Interview with [REDACTED]

(b)(6),(b)(7)(C) Exhibit 3\*Interview with [REDACTED]

(b)(6),(b)(7)(C) Exhibit 4\*Affidavit from Group Supervisor [REDACTED]

\*General Notice

\*Administrative Warning Acknowledgment – Non Bargaining Unit Employees

\*\*Required Appearance and Sworn Statement

(b)(6),(b)(7)(C) \*\*Disclosure Warning

Exhibit 5\*Affidavit from Special Agent [REDACTED]

\*General Notice

\*Administrative Warning Acknowledgment – Non Bargaining Unit Employees

\*\*Required Appearance and Sworn Statement

(b)(6),(b)(7)(C) \*\*Disclosure Warning

Exhibit 6\*Affidavit from Special Agent [REDACTED]

\*General Notice

\*Administrative Warning Acknowledgment – Non Bargaining Unit Employees

\*\*Required Appearance and Sworn Statement

(b)(6),(b)(7)(C) \*\*Disclosure Warning

Exhibit 7\*Affidavit from Special Agent [REDACTED]

\*General Notice

\*Administrative Warning Acknowledgment – Non Bargaining Unit Employees

\*\*Required Appearance and Sworn Statement

\*\*Disclosure Warning

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(b)(6),(b)(7)(C) 10. NARRATIVE

Exhibit 8\*Affidavit from Special Agent [REDACTED]

\*General Notice

\*Administrative Warning Acknowledgment – Non Bargaining Unit Employees

\*\*Required Appearance and Sworn Statement

(b)(6),(b)(7)(C) \*\*Disclosure Warning

(b)(6),(b)(7)(C) Exhibit 9\*Interview with [REDACTED]

(b)(6),(b)(7)(C) Exhibit 10\*Affidavit from Fact Finder GS [REDACTED] documenting the  
issuance of email

(b)(6),(b)(7)(C) messages to witnesses not available for interview

(b)(6),(b)(7)(C) Exhibit 11\*Email sent to [REDACTED]

(b)(6),(b)(7)(C) Exhibit 12\*Email sent to [REDACTED]

(b)(6),(b)(7)(C) Exhibit 13\*Email sent to [REDACTED]

(b)(6),(b)(7)(C) Exhibit 14\*Email sent to [REDACTED]

(b)(6),(b)(7)(C) Exhibit 15\*Email response from [REDACTED]

(b)(6),(b)(7)(C) Exhibit 16\*Three emails from [REDACTED] with a total of eight photographs attached

Exhibit 17\*Signed Search Warrant for the search of [REDACTED] Davis, CA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Exhibit 18\*Report of investigation [REDACTED] report 002

(b)(6),(b)(7)(C) Exhibit 19\*Enforcement Operation Plan authorized April 25, 2011

Exhibit 20\*Sketch of floor plan of [REDACTED] Davis, CA

Exhibit 21\*Photograph Log of pictures taken at [REDACTED] Davis, CA (b)(6),(b)(7)(C)

Exhibit 22\*CD containing 57 digital pictures taken during the service of search warrant

(b)(6),(b)(7)(C) at [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] Davis, CA

(b)(6),(b)(7)(C) Exhibit 23\*Email sent to [REDACTED] with contact information of GS [REDACTED] (b)(6),(b)(7)(C)

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**Alliance for Immigrants Rights and Reform Michigan (AIR)  
Allegations and ICE Findings**

**Background**

On April 15, 2011, OPR received a letter from Michigan Representative John Conyers, Jr., House of Representatives, Washington, D.C., addressed to the OIG and OPR, concerning allegations of "abuse and misconduct" reported by Ryan Bates, Director of The Alliance for Immigration Rights and Reform Michigan (AIR) against agents and officers from Enforcement and Removal Operations, Detroit, Michigan (ERO/Detroit). The allegations and findings are as follows:

**OPR Referred Allegations and Findings**

**Allegation 1** - ERO/Detroit performed enforcement operations at schools, stopped people based on race or ethnicity, and detained U.S. citizens and immigrants without cause in violation of federal law and ICE policies.

**Findings** – OPR has interviewed several ERO employees and civilians involved in this incident. The investigative results do not support the allegation and have not revealed any evidence of criminal or administrative misconduct, and in particular, any violation of ICE policy regarding Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations.

OPR is completing a closing report indicating the allegation is unfounded.

**Allegation 2** - Fourth Amendment violations by ERO/Detroit when they conducted a warrantless search of a residence, as well as, provided inadequate medical care to an individual in ERO custody.

**Findings** – OPR obtained medical documents from the detention facility, which did not support the allegation that the alleged victim was denied proper medical care and medications. Additionally, OPR agents interviewed one of the reporting parties, who advised he falsely made the accusation against the ERO employees. OPR conducted interviews of the four ERO officers involved in the operation, who stated they were granted verbal consent to enter and search the residence.

OPR is completing a closing report indicating the medical allegation is unfounded and the illegal entry allegation is unsubstantiated.

**Allegation 3** - Fourth Amendment violations by ERO/Detroit when they conducted a warrantless search of a residence and used excessive force.

**Findings** – OPR agents have interviewed several ERO employees and civilians involved in this incident. ERO officers involved in the operation stated they were granted verbal consent by the alleged victim to enter and search the residence. The officers identified the alleged victim as an illegal alien, and placed him under arrest. As officers attempted to affect the arrest, the subject



failed to comply with instructions. The officers stated the subject then pulled away from the officers and was subsequently guided into a wall by the officers. The officers stated they asked the subject several times if he required medical treatment for any injuries, to which he replied "no". The officers stated they did not observe any visible injuries to the subject.

OPR is completing a closing report indicating the allegation is unsubstantiated.

**Allegation 4** - ERO/Detroit conducted an illegal search of a residence of a U.S. citizen, and his wife, who is a lawful permanent resident of the United States.

**Findings** - OPR interviewed the owner of the residence, who stated he did not file a complaint, and the officers acted professionally and did not search the residence. OPR conducted interviews of several civilians, as well as the ERO officers involved in the arrest. No evidence of misconduct has been uncovered.

OPR is completing a closing report indicating the allegation is unfounded.

**Allegation 5** - ICE Agents in Pontiac, Michigan handcuffed and detained a U.S. Citizen for 20 minutes until she was able to direct the ICE Agents to her passport which proved her U.S. Citizenship.

**Findings** - Investigation determined ERO and HSI were not conducting any enforcement activity in Pontiac, Michigan on the date of the alleged incident.

OPR is completing a closing report indicating the allegation is unfounded.

**Allegation 6** - Detainee received inadequate medical care by denying the use of prosthetic leg braces and was assaulted by an officer.

**Findings** - OPR reviewed documentation and video related to the allegation. The property receipt from the detention facility indicates the detainee was allowed to retain his leg braces. The video shows a minimal use of force incident, which is in direct response to the detainee's actions.

Closing ROI has been approved indicating the allegation is unfounded.

**Allegation 7** - Detainee received inadequate medical care resulting in a burst ear drum.

**Findings** - OPR reviewed medical records of the detainee related to the allegation. The records indicate the detainee was treated in the medical unit for an eye infection one day after submitting a sick call request. The detainee was prescribed an antibiotic for the infection. The detainee was treated on numerous occasions by the medical staff throughout his detention at the facility, but there is no information that the detainee requested medical treatment for an ear related infection.

OPR is completing a closing ROI indicating the allegation is unfounded.





Additionally, four other allegations were received and referred to ERO as Management Referrals.

### **ERO Investigated Allegations and Findings**

#### **Allegation 1 – Alleged Traffic Stop and Detention by ERO Officer**

**Findings** – Field Operations obtained information from ERO Detroit indicating that on the date of the alleged incident, all officers assigned to Detroit Fugitive Operations were receiving firearms training at a range located more than 30 miles away from the location of the alleged incident. ERO Detroit is not aware of any ERO Officer arresting or detaining any individual on the same date.

Field Operations is completing the Findings Memorandum indicating the allegation is unfounded.

#### **Allegation 2 – Alleged Strip Search of Female in Front of Son at Detention Facility**

**Findings** – Field Operations obtained information from ERO Detroit indicating that two female deputies were involved in the intake of the mother, two male deputies were involved in the intake of the son and that both intake searches were done separately. In addition, the policy in the facility identified in this allegation does not allow for searches on males and females in Intake to be conducted at the same time. Per the facility's policy, males and females are not searched in Intake at the same time. Detainees receive a pat-down at Intake and then they change into the facility uniform behind a privacy screen, approximately 5 feet tall, while monitored by a deputy of the same sex. According to the facility, males and females are never taken into the intake area together.

It was also alleged that during the intake process, the mother expressed to an officer (specifically identified by name in the allegation) her objections to being strip searched in front of her son and that her objection was responded to by the officer with the following statement "You're lucky we don't just shoot you in the head." The officer identified denies making this statement and furthermore, according to the facility's records, this officer was not involved in the intake processing of either mother or son.

Field Operations is completing the Findings Memorandum indicating the allegation is unfounded.

#### **Allegation 3 – Alleged Use of Trickery to Effect an Arrest**

**Findings** – Field Operations obtained information from ERO Detroit indicating that contrary to what has been alleged, none of the arresting officers represented themselves as part of the Detroit Police Department, nor did they say they needed to speak to the targeted alien regarding a traffic ticket. Part of the allegation also portrayed a language issue in that the alien's son wasn't allowed to translate for the father (the target). ERO Detroit noted that the father spoke English





up until he determined the officers were ICE Officers. In addition, at the time of arrest, there were two ERO officers present that spoke some Spanish.

Field Operations is completing the Findings Memorandum indicating the allegation is unsubstantiated.

**Allegation 4** – Allegedly an Officer Denied Detainee Medication and Clean Water at the Dearborn County Jail, MI.

**Findings** – Per the I-213 prepared by the US Border Patrol (USBP), on October 30, 2010, during processing the alien communicated to the processing Border Patrol Agent that he had recently undergone a kidney transplant which requires medication to be taken on a daily basis. It was also noted that at 4:10 pm the same day, the USBP took receipt of the alien's medication, dosage information, and transplant daily diary from the alien's friend and that the USBP made arrangement for the medication and other items to accompany the alien to the Dearborn County Jail, MI (DCJ). Per EARM, the alien was in ICE custody at DCJ from the evening of October 30, 2010 until his release on an Order of Supervision on November 1, 2010. Field Operations, with the assistance of HQ Immigration Health Services Corp (IHSC), obtained information from DCJ indicating that the alien received medication while at DCJ on October 31, 2010 at 0956 HOURS and 1900 HOURS, and on November 1, 2010 at 0900 HOURS. This information was based on entries made in a general log not used solely for tracking medication. The records obtained from DCJ did not mention if medication was received by the alien on October 30, 2010, however IHSC and Field Operations is unable to conclusively substantiate whether the alien failed to receive appropriate medication due to the following reasons:

- Lack of documentation/information relating to the medication the alien was supposed to be receiving at the time;
- Lack of documentation/information on what medication was actually delivered to USBP by the alien's friend at time of processing and what medication accompanied the alien when he was transported to DCJ;
- Lack of documentation/information relating to what discussion, if any, transpired between the alien and DCJ staff upon arrival at the facility as it pertains to medication the alien has taken or is supposed to be taking; and
- DCJ does not have a medical department that maintains medical documentation.

It was also alleged that the water in the alien's cell was filthy and that he had to wait for sediment to sink to the bottom of his glass before it was drinkable. Field Operations is unable to substantiate this allegation. Per the Detention Management Division (DMD), there have been no documented grievances regarding this issue during past MGT inspections of DCJ (Exhibit 6).

JOHN CONYERS, JR.  
14TH DISTRICT, MICHIGAN

COMMITTEE  
RANKING MEMBER  
JUDICIARY

SUBCOMMITTEE ON COURTS AND  
INTELLECTUAL PROPERTY

SUBCOMMITTEE ON THE  
CONSTITUTION

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2214

April 15, 2011

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Dear Inspector General Skinner and Assistant Director Moynihan:

I am writing to request that your offices conduct thorough investigations into troubling allegations of warrantless searches, racial profiling, and unlawful detentions by Immigration and Customs Enforcement (ICE) personnel out of the Detroit Field Office. The allegations of abuse and misconduct by the Alliance for Immigrants Rights & Reform Michigan (AIR)—which have been the subject of media attention and led to Director Morton's trip to Michigan to meet with community groups—raise serious concerns about whether the Detroit Field Office is regularly violating constitutional and civil rights guarantees and ignoring ICE's own policies and priorities.

According to press accounts, ICE agents have recently performed immigration enforcement actions at Detroit-area schools, terrifying students, teachers, and parents. Nira J. Warikoo, *Feds: Detroit Immigration Agents May Have Broken Rules with School Raid*, DETROIT FREE PRESS, Apr. 8, 2011. If true, such actions would be in violation of long-standing and well-developed agency policy generally prohibiting enforcement actions at such sensitive community locations. See Julie L. Myers, *Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations*, July 3, 2008. Reports also have surfaced that Field Offices personnel have stopped people on the basis of their race or ethnicity, conducted warrantless searches of residences, and detained U.S. citizens and immigrants without cause. See, e.g., Orlandar Brand-Williams, *Feds Accused of "Stalking" Immigrants*, THE DETROIT NEWS, Apr. 7, 2011.

ICE has admitted that some of its recent actions appear to have been 'inconsistent with policy and our standards and priorities' and has indicated that it is conducting a review. See *Feds: Detroit Immigration Agents May Have Broken Rules with School*

*Raid.* However, the seriousness of these allegations and the alleged pattern of abuse and misconduct such as this requires an independent investigation. Therefore, I ask that your offices investigate these allegations to look not only into individual instances of misconduct by officers and supervisory personnel, but also into the alleged pattern of misconduct.

Parents should not be afraid to take their children to school, people should not be afraid that ICE will enter their homes without a warrant, and U.S. citizens should not be afraid that they will be subjected to racial profiling and unlawfully detained. Real consequences must follow any findings of abuse, and I look forward to your offices undertaking this important project. Please direct responses and any questions to the Committee on the Judiciary, B-351 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6906; fax: 202-225-7682). Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." with a stylized flourish at the end.

John Conyers, Jr.  
Ranking Member  
House of Representatives  
Committee on the Judiciary

cc: Rep. Lamar Smith  
Chairman



Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [redacted] and Deportation Officer, ERO/Detroit, November, 2005, Series 1801, Grade 12-5.

2. Describe your job responsibilities?

A. I am currently with Fugitive Operations and I'm responsible for apprehending criminal aliens within the United States. I have had this position since October of 2007.

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

A. Yes. We were conducting a fugitive operation. I was there with Charlie Team. We were in Grand Rapids for a little less than a week. Approximately 20 arrests were affected by the team during the time we were there. All of the arrests were of fugitives and/or reinstatements of prior order of deportation.

4. What was your role there?

A. I prepared several FOW (Fugitive Operations Worksheets), prior to the team's arrival in Grand Rapids. FOWs include biographical data, address information, vehicle information, arrest records, and other information to help us locate the wanted individuals. I was part of the arrest team while we were there.

5. What happened on or about February 23, 2011, at or near [redacted] Grand Rapids, MI? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. I arrived at the address in the late afternoon, but I don't recall the exact time. I arrived in a black jeep Laredo, Officer [redacted] arrived with me in my vehicle. I believe a total of 4 vehicles arrived at that address. I don't recall exactly where I parked, but it was on the street, and we walked the rest of the way to the residence. I was marked with Police and possibly ICE markings, and had my ICE badge visibly displayed on my belt. I don't recall who had prepared the FOW at the address nor do I remember who the target was that the team was seeking. The whole team approached in this manner. The team consisted of IEA [redacted] IEA [redacted] (b)(6),(b)(7)(C) [redacted] DO [redacted] Acting SDDO [redacted] DO [redacted] and myself. IEA (b)(6),(b)(7)(C) [redacted] and I went to the door. My weapon was holstered as I approached the door, and remained holstered the entire time at the residence. I knocked on the door, thru a window next to the door; I could see our target inside the residence. I recognized him from the photo contained within the FOW. I don't recall what this targets name was. He was in the family room inside the residence but he didn't come to the door when I knocked. I observed him pick up the phone and he appeared to place a phone call. After about a minute he hung up the phone and then came to

(b)(6),(b)(7)(C) 10/6/11 [redacted] 2/22/11

(b)(6),(b)(7)(C) the door and opened it. IEA [redacted] and I identified ourselves as law enforcement, I don't remember if I said police or ICE, and asked if we could come in. He verbally gave consent for us to enter his house, and I called out on the radio that we had consent to enter. IEA [redacted] and I explained to the target that he had an outstanding deportation order as he was seated on the couch in the living room. One of us asked if we could look around, and the subject indicated that we could. At about this time all hell broke loose, I remember hearing on the radio that another male individual had jumped out on the roof, and that he had something in his hand. I didn't see anything that happened upstairs, and only know what I heard on the radio. I also remember hearing a screech of tires as a car raced into the driveway. I didn't see anything that transpired outside with this vehicle. I remained in the living room with the first male target, and also the male that had been brought down from the roof. I don't know who was in the driveway. (b)(6),(b)(7)(C)

Two people that had been encountered in the driveway from the vehicle were brought into the living room of the residence. I don't recall who brought them in. These individuals were identified, I believe the woman was a United States Citizen, and the male was as well. I didn't run their names, and I don't remember who did. The female was pretty belligerent; she was cussing, uncooperative and confrontational. She was brought into the living room in handcuffs. I didn't see who put the cuffs on her. He was also in handcuffs, I believe. They were both confrontational. I don't remember what their names are. They were in the residence for approximately fifteen minutes or less. Officer [redacted] then attempted to un-handcuff her, and the woman was non cooperative by moving around and jerking her arms. They had to be told several times to leave. I don't recall that any force was used to get them to or out the door. I didn't recall them being pushed out the door. We then identified the remaining individuals within the residence, and we departed the residence with our subject in custody. In total we were at the residence for an hour or less. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Sometime later, about an hour later, DC [redacted] and I returned to the residence to serve an order of supervision on a female in the upstairs portion of the residence. While at the residence the second time, we learned that the belligerent female encountered earlier had gone to the hospital with problems with her hands. I didn't make any records of this information. We departed the residence this time without incident.

(b)(6),(b)(7)(C) 6. Do you recognize the names [redacted] and [redacted] and how are you familiar with them? (b)(6),(b)(7)(C)

A. No, I am not familiar with those names.

(b)(6),(b)(7)(C) 7. Are you familiar with [redacted] and [redacted]? (b)(6),(b)(7)(C)

A. No, I am not.

8. Were there any Grand Rapids Police officers or other law enforcement officers on the scene?

A. No, not that I remember.

9. What other ICE/ERO employees were present at the [redacted] address at the date and time above? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [redacted] 2 of 4 [redacted] 2/22/12



(b)(6),(b)(7)(C) A. Myself, SDDO [redacted] IEA [redacted]; DO [redacted]; IEA [redacted] and (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) DO [redacted]

10. Do you remember the names of the civilians you encountered?

A. No, I don't.

11. Did you personally have any physical contact with either [redacted] or [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted]

A. I do not recall having physical contact with, nor use force on anyone that day.

12. Did you observe any ICE/ERO personnel have physical contact with either [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] or [redacted] and what did you observe?

A. No, not that I recall. I did not see who handcuffed her outside.

(b)(6),(b)(7)(C) 13. It is alleged that the [redacted] were visiting [redacted] Grand Rapids, MI and that  
(b)(6),(b)(7)(C) several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [redacted] from their car, handcuffed and then taken them inside one of the residences. It is further alleged that one of the agents repeatedly slammed [redacted] head (b)(6),(b)(7)(C) into the trunk of the car before taking her inside. Did you observe any of these incidents as alleged?

A. No. See answer to question 5 above.

(b)(6),(b)(7)(C) 14. Were the [redacted] physically removed from the vehicle or did they exit on their own?

A. I wasn't outside and do not know.

15. Did they present identification when asked?

A. I don't know what happened outside, and I don't recall whether they provided it inside or not.

16. How were their identities verified?

A. They were run either by computer or someone called on the phone.

18. How would you describe their demeanor?

A. They were confrontational, especially the female. She was cursing, yelling, her hands were clinched, she appeared to be very angry, she stomped her feet. She did not obey verbal commands at all. It looked like she was looking for a fight.

(b)(6),(b)(7)(C) 19. Did you personally handcuff either [redacted]

A. No, I did not.

(b)(6),(b)(7)(C) 3/0F4 2/22/22 [redacted]



(b)(6),(b)(7)(C) 20. Did you slam [redacted] head into the trunk of a car?

A. No, I did not.

(b)(6),(b)(7)(C) 21. Did you observe anyone slam or push [redacted] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C) 22. Did you shove [redacted] over a porch railing?

A. No.

(b)(6),(b)(7)(C) 23. Did you observe anyone slam or push [redacted] over the porch railing?

A. No.

(b)(6),(b)(7)(C) 24. Did [redacted] have any visible signs of injury, or complain of injury when she departed the residence?

A. No she did not. I did not observe any signs of injury. She walked out of the residence under her own power and never complained of any injuries. She never asked for medical assistance.

25. Did you prepare any reports related to the above incident?

A. No. I prepared the I-213 for the subject that we arrested.

26. Is there anything else you need to add to your statement?

A. Based on the time that has passed, this is all that I can recall. Also, the entire [redacted] acted professionally and consistently with the training that we have received. We were all marked as police officers, in some fashion, and we all acted professionally at all times.

The contents of this four (4) page statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C) [redacted]

(b)(6),(b)(7)(C) [redacted]

Before me this 22nd day of February, 2012

(b)(6),(b)(7)(C) [redacted]

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C) [redacted]

(b)(6),(b)(7)(C) [redacted]

Senior Special Agent  
Office of Professional Responsibility

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You, [redacted] are hereby directed to personally appear  
(Employee's Name)

(b)(6),(b)(7)(C) on 02/22/2012 before SSA [redacted]  
(Date) (Name and Title of Investigating Official)

at ERO/Detroit  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

- ☐ A Witness  
☒ A Subject

(b)(6),(b)(7)(C) [redacted]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [redacted] Statement of Receipt  
Employee Signature Date 2/22/12

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. citizens.

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C)  
You, 

(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C)  
Employee's initial 

Date 2/22/12

ICE Form 70-023 (08/09)



Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [REDACTED] Deportation Office, ERO/ Fugitive OPS/Detroit, since October 2006. EOD with the Border Patrol on 3/5/2001.

2. Describe your job responsibilities?

A. I am with the Fugitive Operations Program, and I am responsible for identifying, locating, and arresting fugitive aliens as well as criminal aliens, and reinstatements of prior orders of removal.

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

A. Yes. The Fugitive Operations team was in Grand Rapids, Michigan, to locate and apprehend criminal and fugitive aliens.

4. What was your role there?

(b)(6),(b)(7)(C) A. I was working as part of the arrest team. I don't remember if I prepared any of the Field Operations Worksheets (FOW), prior to the team's arrival in Grand Rapids. The team consisted of [REDACTED] and me. (b)(6),(b)(7)(C)

5. What happened on or about February 23, 2011, at or near [REDACTED] Grand Rapids, MI? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) With what I remember from a year ago, we went to the residence, while it was still light out, but I don't remember the time. We were looking for a female target, but I don't remember the target's name. I arrived at the residence in a 2008 Dodge Durango, and parked it on the street just past the target residence. I then exited my vehicle and approached on foot, and assumed a perimeter security post. Two officers approached the door, I don't remember who, they knocked, I then heard on the radio that they had consent to enter. I don't remember what terminology they called out on the radio that day, but usually they call out something like [REDACTED] The two officers entered the residence, a short time later the officers called out on the radio that they had received consent to search the residence, and that they requested that other officers come inside. I then went inside the residence, entering thru the door located on the

front of the house. I asked one of the officers inside if they had received consent to search, they indicated that they did. I then proceeded to go upstairs with Officer [REDACTED]. We went upstairs and encountered a number of individuals upstairs. Even though we already had consent to search, I asked those we encountered upstairs if they minded if we looked around, to which they responded "sure." This encounter happened in English, but I speak some Spanish.

(b)(6),(b)(7)(C)

While upstairs I heard a rustling noise from one of the rooms. When I entered the room, I observed a male individual exiting thru a window. I then observed him standing outside the window on the roof. I observed that he wasn't wearing any shoes. I tried to coax him back inside. I don't remember exactly what I said to him. I saw the agents down below trying to locate a ladder to assist the male individual. After roughly 10 minutes, he stretched forward towards the window, and I grabbed him under the arms, and pulled him back inside. I then placed handcuffs on him at this time. I don't remember what this individual's name was. For officer safety reasons, I then escorted him downstairs into the living room, near to the front door, where everyone had gathered. Around this same time, I heard a commotion outside, a vehicle coming into the driveway at a high rate of speed. I then heard on the radio [REDACTED] which meant that someone had spotted the target. After that a female and a younger male were escorted into the living room. The female was in cuffs, but I don't remember if the male was cuffed. She was very verbally abusive as she entered the house. I don't remember what she said, but she was very loud and verbally abusive. I don't remember who was escorting the female and male into the house. It was then determined that the female was a lawful permanent resident and was not our target. I don't remember what the woman's or the man's names were, and I don't recall how this was determined. I do remember someone saying that the man was her son. After it was determined that she was not our target, which was approximately 10 minutes, she was asked to leave the residence, the door was opened, she left the house, and the door was shut. No force was used to get her out of the house. She remained verbally abusive as she was walking out, and one of the officers then shut the door. I believe that Officer [REDACTED] shut the door and that all six officers remained inside at this time. We remained at the residence about 30 minutes longer, finishing our work. I believe that some arrests were made, but I don't remember how many or who was.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 6. Are you familiar with [REDACTED] and [REDACTED] and how are you familiar with them?

A. I do not know those names.

(b)(6),(b)(7)(C) 7. Are you familiar with [REDACTED] and [REDACTED]?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. The name [REDACTED] sounds familiar; I believe due to this investigation.

8. Were there any Grand Rapids Police officers or other law enforcement officers on the scene?

A. No, not that I recall.

(b)(6),(b)(7)(C)



9. What other ICE/ERO employees were present at the [redacted] address at the date and time [redacted] above? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Myself, SDDO [redacted] DO [redacted] IEA [redacted] IEA [redacted] and DO [redacted] (b)(6),(b)(7)(C)

10. Do you remember the names of the civilians you encountered?

A. Not at all.

11. Did you personally have any physical contact with either [redacted] or [redacted] (b)(6),(b)(7)(C)

A. I did not have any physical contact with either of them.

12. Did you observe any ICE/ERO personnel have physical contact with either [redacted] or [redacted] and what did you observe? (b)(6),(b)(7)(C)

A. No.

(b)(6),(b)(7)(C) 13. It is alleged that the [redacted] were visiting [redacted] Grand Rapids, MI and that several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [redacted] from their car, handcuffed and then taken them inside one of the residences. It is further alleged that one of the agents repeatedly slammed [redacted] head (b)(6),(b)(7)(C) into the trunk of the car before taking her inside. Did you observe any of this incident as alleged?

A. No.

(b)(6),(b)(7)(C) 14. Were the [redacted] physically removed from the vehicle or did they exit on their own?

A. I was in the house at the time and did not observe them getting out of their car. I don't recall who was outside with them at the time. I do know that it was not DO [redacted] because she was (b)(6),(b)(7)(C) upstairs with me.

15. Did they present identification when asked?

A. I'm sure they did, I don't remember exactly, but nothing was presented to me.

(b)(6),(b)(7)(C) 16. Were the [redacted] suspected of being illegally present in the U.S.?

3/5  
[redacted]

(b)(6),(b)(7)(C)

1/25/12



(b)(6),(b)(7)(C)

A. [redacted] was suspected of being the target that we were looking for. I know this because one of the officers called out [redacted] when she arrived at the residence. I'm not sure if [redacted] was suspected or not.

17. How were their identities verified?

A. I don't recall.

18. How would you describe their demeanor?

A. Hostile. Both of them were hostile towards us.

(b)(6),(b)(7)(C)

19. Did you personally handcuff either [redacted]

A. No, I did not.

(b)(6),(b)(7)(C)

20. Did you slam [redacted] head into the trunk of a car?

A. No, I did not.

(b)(6),(b)(7)(C)

21. Did you observe anyone slam or push [redacted] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C)

22. Did you shove [redacted] over a porch railing?

A. No.

(b)(6),(b)(7)(C)

23. Did you observe anyone slam or push [redacted] over the porch railing?

A. No.

24. Did you prepare any reports related to the above incident?

A. No. I don't recall who prepared the FOW on this target.

25. What ultimately happened with those individuals taken into custody?

A. I don't know.

4/5  
[redacted] (b)(6),(b)(7)(C)  
1/25/12

26. Did you observe any injuries or signs of injuries on [REDACTED]?

(b)(6),(b)(7)(C)

A. I did not observe any signs that she was injured in anyway.

27. Is there anything else you need to add to your statement?

A. The team acted in a professional manner during the course of this encounter.

The contents of this six (5) page statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Before me this 25<sup>th</sup> day of January 2012

(b)(6),(b)(7)(C)

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. citizens.

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You, [REDACTED]  
(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's initials [REDACTED] Date 1/25/12

ICE Form 70-023 (08/09)





Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [REDACTED] Immigration Enforcement Agent, ERO/Detroit. EOD May 15, 2005.

2. Describe your job responsibilities?

A. At the time I was on the Detroit Fugitive Ops team. I am currently on the Detained Docket Team. As part of the Detroit Fugitive Ops team I was responsible for identifying, locating and detaining criminal aliens, and fugitive aliens.

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

A. Yes, I was. I was there to conduct a fugitive operations mission.

4. What was your role there?

(b)(6),(b)(7)(C) A. To conduct surveillance on all of the Fugitive Operations Worksheets that had been prepared, and then if someone was located, the team would detain them. The team consisted of [REDACTED] (b)(6),(b)(7)(C) [REDACTED] (b)(6),(b)(7)(C) [REDACTED] (b)(6),(b)(7)(C) [REDACTED] (b)(6),(b)(7)(C) and me. I'm not sure if anyone from another team was out there with us at the time.

5. What happened on or about February 23, 2011, at or near [REDACTED] Grand Rapids, MI? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I had prepared most of the FOW's for that location; and I had conducted surveillance on the residence over the course of 2 or 3 days prior, waiting for a vehicle to arrive or to see a target. I conducted the surveillance from my vehicle, a Chevy Uplander, parked in a parking lot located at the end of the block from the residence. After periodic checks of the residence, thru my binoculars I observed who I believed to be our main fugitive target out front of the residence. I don't remember the name of the fugitive but remember that he was approximately 18 years of age. It was either later the same day, or the next, when the whole team arrived at the residence. (b)(6),(b)(7)(C) Officer [REDACTED] (b)(6),(b)(7)(C) and I approached the door, Officer [REDACTED] (b)(6),(b)(7)(C) observed the main target thru the window, Officer [REDACTED] (b)(6),(b)(7)(C) yelled to the individual to come to the door. We asked if we could come in, he said yes, and then he let us in. When he did, we identified ourselves as police officers and as Immigration and Customs Enforcement officers. We also had visible police markings on our vests, there are no ICE markings on my vest, but there was an ICE badge visibly located on my belt. We asked the individual if we could search the residence, he said yes, and then either (b)(6),(b)(7)(C) [REDACTED] or I called on the radio that we had consent to search and that the other officers should come in. I recognized the individual from the FOW. I'm not sure which other officers came



inside, but the residence was then searched. Officer [REDACTED] was upstairs searching, and I remember hearing him say "the roof, the roof, the roof," which I took to mean someone was climbing on the roof. I then ran outside and around to the side of the house where I observed a male individual standing on the porch roof. I remember Officer [REDACTED] standing next to me at this time, and Officer [REDACTED] was in the window. I observed something in the individual's hand, so I drew my weapon, then identified it as a shoe, and reholstered my weapon. The three of us debated the safest way to get the individual back inside and decided it was safest to get him back in the window. The individual was then pulled back in the window by Officer [REDACTED]

Within a few minutes of the individual going back in the window, I observed a vehicle pull into a detached garage, located at the back of the house. Officer [REDACTED] and I approached the car and identified ourselves as police. An unknown male individual was driving the car that pulled into the garage. He was exiting the car as we approached, and we asked him for ID. At this time another vehicle entered the driveway at a high rate of speed and slammed on its brakes. Officer [REDACTED] remained with the male individual in the garage, as I approached the second car that had entered the driveway. I observed Officer [REDACTED] also approaching the second vehicle that I observed had a female and a male occupant. The female occupant was the driver, with the male in the front passenger seat. Both individuals exited the vehicle, the female was irate and was yelling at us to leave, saying that we couldn't be there. She appeared to me to be one of the individuals that I had prepared an FOW on, and I called out [REDACTED] as I believed that she had an outstanding warrant for arrest. I then observed Officer [REDACTED] place her in handcuffs. The male individual became irate as he observed the female being placed into handcuffs. I told him to calm down and that we would hash things out when we got inside the house. I observed Officer [REDACTED] handcuff the women, behind her back. Officer [REDACTED] and the women were standing on the driver's side of the car, but in front of the car. I believe that he placed the handcuffs on her there. The handcuffing appeared to go smoothly, and I didn't observe Officer [REDACTED] having to exert force to handcuff her, but my attention was somewhat diverted by the male. Officer [REDACTED] did not bang her head into the trunk of the car; nor did Officer [REDACTED] push her into the car. I'm not sure if I handcuffed the male passenger or not, but I did then escort him into the living room of the house. Officer [REDACTED] escorted the female into the living room, followed by Officer [REDACTED]. The entire team and more than five subjects were all in the living room together.

We then started questioning everyone, the female was yelling that she was a green card holder, and the male was yelling that he was a U.S. Citizen. We verified that they were, the handcuffs were removed from the female, and then they were asked to leave. Officer [REDACTED] told them to leave, but she was mad because the main target was under arrest. I believe the main target was a family member of hers. One of the Officers, I believe it was Officer [REDACTED] placed his hand on her back and guided her to the door. Once they were outside, the door was closed and locked so that they could not re-enter. I do not believe any of the Officers exited with them. I did not observe any injuries on either the female or the male as they exited.

After the door was closed, we continued interviewing the remaining subjects. The main target, and the male individual from the roof was subsequently arrested, and an underage female was given an Order of Supervision.



(b)(6),(b)(7)(C)

6. Are you familiar with [REDACTED] and [REDACTED] and how are you familiar with them?

A. I do not know those names.

(b)(6),(b)(7)(C)

7. Are you familiar with [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. I believe that [REDACTED] was the lawful permanent residence that we encountered that day.

8. Were there any Grand Rapids Police officers or other law enforcement officers on the scene?

A. No.

9. What other ICE/ERO employees were present at the [REDACTED] address at the date and time above?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. Myself, Acting SDDC [REDACTED] and DO [REDACTED]

(b)(6),(b)(7)(C)

DO [REDACTED] IEA [REDACTED] DO [REDACTED]

(b)(6),(b)(7)(C)

10. Do you remember the names of the aliens you encountered that day?

A. I remember we were looking for two females named [REDACTED] and [REDACTED] but we did not encounter them that day. I don't remember anyone else's name.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

11. Did you personally have any physical contact with either [REDACTED] or [REDACTED]

(b)(6),(b)(7)(C)

A. Yes, I did. I approached him by the car, and may or may not have placed handcuffs on him. I then escorted him into the residence, but I do not remember if I touched him while doing this.

12. Did you observe any ICE/ERO personnel have physical contact with either [REDACTED] or [REDACTED] and what did you observe?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. I observed Officer [REDACTED] place handcuffs on the female individual. I also observed Officer [REDACTED] escort them out of the house by placing his hand on their backs.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

13. It is alleged that the [REDACTED] were visiting [REDACTED] Grand Rapids, MI and that several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [REDACTED] from their car, handcuffed and then taken them inside one of the residences. It is further alleged that one of the agents repeatedly slammed [REDACTED] head into the trunk of the car before taking her inside. Did you observe any of this incident as alleged?

(b)(6),(b)(7)(C)

A. No.

(b)(6),(b)(7)(C)

14. Were the [REDACTED] physically removed from the vehicle or did they exit on their own?

A. I do not recall.

15. Did they present identification when asked?

A. I don't remember. I had the FOW that indicated to me that [REDACTED] was and Lawful Permanent Resident.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

16. Were the [REDACTED] suspected of being illegally present in the U.S.?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. When she got out of the car, she resembled [REDACTED] or [REDACTED] which is why I suspected she was our target, called out [REDACTED] and had Officer [REDACTED] handcuff her.

(b)(6),(b)(7)(C)

17. How were their identities verified?

A. I confirmed her identity by reviewing the FOW, and I don't remember how we confirmed his identity.

18. How would you describe their demeanor?

A. Irrate at first, a little calmer when they were in the house.

(b)(6),(b)(7)(C)

19. Did you personally handcuff either [REDACTED] or [REDACTED]?

A. Not the female, but I don't remember about the male.

(b)(6),(b)(7)(C)

20. Did you slam [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C)

21. Did you observe anyone slam or push [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C)

22. Did you shove [REDACTED] over a porch railing?

A. No.

(b)(6),(b)(7)(C)

23. Did you observe anyone slam or push [REDACTED] over the porch railing?

A. No.

24. Did you prepare any reports related to the above incident?

(b)(6),(b)(7)(C)

A. Prior to the incident, I had prepared some of the FOWs, but I did not prepare any reports after the incident.

25. At any time did you observe any injuries or signs of injuries on [REDACTED]?

(b)(6),(b)(7)(C)

A. No.

26. At any time did you observe any injuries or signs of injuries on [REDACTED]?

(b)(6),(b)(7)(C)

A. No.

27. Is there anything else you need to add to your statement?

A. That I acted professionally that day, and consistently with all of the training I have received. Everyone on the team acted in a professional manner during the entire course of this encounter.

The contents of this <sup>five</sup> ~~five~~ (5) page statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Before me this 25<sup>th</sup> day of January 2012

(b)(6),(b)(7)(C)

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Senior Special Agent  
Office of Professional Responsibility



## YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

are hereby directed to personally appear

(Name and Title of Investigating Official)

**(Location)**

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

**If you are in a bargaining unit, you may have a right to Union representation.**

**Your appearance is requested as**

☐ **A Witness**

☒ **A Subject**

**Signature of Investigating Official**

## U.S. Immigration and Customs Enforcement

### Acknowledgement of Receipt

**Employee Signature**

Date \_\_\_\_\_

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. citizens.

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C)  
You,



(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C)  
Employee's initials



Date

1/25/12

ICE Form 70-023 (08/09)

Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [REDACTED] Supervisory Detention and Deportation Officer, ERO/Detroit, EOD 8/9/2004.

2. Describe your job responsibilities?

A. I am currently a Supervisory Detention and Deportation Officer. I am tasked with identifying and apprehending ICE fugitives in the United States. I have been a supervisor for 4.5 months. Previously I was a Deportation Officer assigned to the fugitive operations team.

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

(b)(6),(b)(7)(C) A. Yes I was. We were there on a daily operational trip. Our fugitive team is responsible for apprehending illegal alien fugitives in the entire state of Michigan, so we were there to execute warrants. The Detroit Fugitive Operations (b)(7)(E),(b)(6),(b)(7) was in Grand Rapids with me. DO (b)(6),(b)(7)(C) and myself. (b)(6),(b)(7)(C)

The team and I were assigned to work in Grand Rapids, beginning a few days before the above date. We had been seeking a number of fugitives while we were working there, and remained in town each night, to save on having to commute back and forth from Detroit each day. We were in Grand Rapids for approximately 3 or 4 days. I don't remember the number of apprehensions we made, but it had to be at least 30.

4. What was your role there?

A. I was the Acting Supervisory Deportation Officer for (b)(7)(E),(b)(6),(b)(7)(C)

5. What happened on or about February 23, 2011, at or near [REDACTED] Grand Rapids, MI? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. IEA [REDACTED] had been attempting to locate a few targets by locating the vehicles registered to them. He got a lead from the Grand Rapids Police that a family member of one of the targets had provided the [REDACTED] address after prior police contact. IEA [REDACTED] (b)(6),(b)(7)(C) began surveilling that location. He was primarily watching that address, with other personnel in the area to assist as needed. I don't remember the exact date he received the tip or when he began his surveillance of the [REDACTED] address. (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

After a few hours of surveillance, IEA [REDACTED] saw signs of activity at the address. IEA

(b)(6),(b)(7)(C)

[REDACTED] communicated this to me; the above team members met up, briefed, and then approached the address. The six agents in five government vehicles arrived at the address. I don't remember the time we arrived, but I do recall that it wasn't dark yet.

(b)(6),(b)(7)(C)

DO [REDACTED] and DO [REDACTED] approached the front door and knocked. The rest of the team spread out around the house. At our approach we believed the structure to be a single family home. Ours GOVs were parked a few houses away on the street so as to not tip the occupants as to our approach. No GOVs were parked in the driveway upon our arrival at the residence.

(b)(6),(b)(7)(C)

DO [REDACTED] target answered the door, and was immediately recognized from photos. I don't remember the target's name. DO [REDACTED] and DO [REDACTED] identified themselves as the police and

(b)(6),(b)(7)(C)

asked for consent to be let into the house to talk. The target gave them consent and DO [REDACTED] and DO [REDACTED] then walked into the house with the target. They announce [REDACTED] on the radio so that we all know that they have found our target. I was in the driveway at this time.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

After no more than 2 minutes DO [REDACTED] called on the radio [REDACTED] which indicated to the team members outside that they had received consent to enter the residence and consent to search the residence.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

At this time DO [REDACTED] and I think IEA [REDACTED] entered the residence to conduct a protective sweep. One of the team inside the residence called "first floor clear" on the radio, and they then went upstairs to check the second floor.

(b)(6),(b)(7)(C)

DO [REDACTED] made contact with someone upstairs, and it then became known to us that the residence had been split into 2 separate residences. DO [REDACTED] was given verbal consent to enter and search the upstairs residence. I don't recall if DO [REDACTED] passed this information on

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

the radio or not. After DO [REDACTED] went upstairs, I then entered the residence with IEA

(b)(6),(b)(7)(C)

[REDACTED] into the first floor residence, right inside the door. Then someone called on the radio that someone from the upstairs unit had dove out of a window. At this time IEA [REDACTED] and I went outside, I went right and IEA [REDACTED] went left. I then heard IEA [REDACTED] giving verbal commands to someone that I couldn't see to show their hands, and drop it. I ran over to this location and observed the second entrance to the upstairs residence, and I saw something in the male individual's hands. The object was black. The individual was standing on the roof of the porch. He throws the item down, which had been his shoes. We then told him to jump down or to go back into the window. I asked him if there was a ladder that I could get to help him down. He didn't want to jump down. I saw him lean back into the window and I saw someone grab and pull him back in.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

As the male individual was being pulled back into the window, I observed a car pull into the driveway and park in the garage behind the house. I don't remember what kind of car it was. I didn't know how many occupants were in the car. We got a lot of things going on now, and my people are split up all over the residence, with three things going on simultaneously. IEA [REDACTED] and I run over to the garage, the male individual is getting out of the car as we approach. I spoke to him in English and identified myself and why we were there, and it's clear to me that he doesn't understand what I'm saying. I then tried with my limited Spanish to identify myself, and he produced his Michigan Drivers license in response. I don't remember who this was. I am trying to do a quick immigration inspection at this point. I then hear an

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



engine revving behind me and tires screeching on the driveway and observe a car entering the driveway at a very high rate of speed. I then told IEA [REDACTED] to go encounter the occupants of the vehicle. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I then see IEA [REDACTED] back outside, coming around the corner to render assistance. The car came to a screeching halt in the driveway and 2 occupants exited the car quickly. I remember it was a small car. I then hear a woman "going crazy." She was yelling that we didn't have a right to be there and she was asking for a warrant. I didn't know who this woman was. I then hear (b)(6),(b)(7)(C) IEA [REDACTED] call out [REDACTED] I looked at IEA [REDACTED] who was 40 feet from me, and asked him "are you sure," to which he responded "yes." The woman was acting belligerently and very uncooperatively. Accordingly, I then instructed IEA [REDACTED] to place the woman into (b)(6),(b)(7)(C) handcuffs.

The male individual then started to become agitated and excited. He began yelling loudly. I don't remember what he yelled. I placed the male individual in the garage in handcuffs. However, the male in the driveway was displaying pre assault indicators, and began advancing toward the female as she was being placed in handcuffs. IEA [REDACTED] attempted talk to the (b)(6),(b)(7)(C) individual, in English, but the individual wasn't responsive, and was then placed him into (b)(6),(b)(7)(C) handcuffs by IEA [REDACTED] for officer safety. I did not directly see or observe IEA [REDACTED] (b)(6),(b)(7)(C) cuff the male individual, nor did I see or observe IEA [REDACTED] cuff the woman.

I was approximately 15 yards away from the where they were cuffed. I did not see IEA [REDACTED] (b)(6),(b)(7)(C) shove the woman, nor hit her head into the car, nor hit her head onto the trunk of the car, nor kick, punch or hit her in anyway. I don't recall if the woman was up against the car while being cuffed as my attention was on the male individual in the garage. Based on what I observed IEA (b)(6),(b)(7)(C) [REDACTED] acted professionally during the entire encounter.

(b)(6),(b)(7)(C) I did not see IEA [REDACTED] kick, punch or hit the male individual in anyway. Based on what I (b)(6),(b)(7)(C) observed IEA [REDACTED] acted professionally during the entire encounter.

After everybody was in handcuffs, I then had everyone go inside to get and unified and find out what was going on. At this point, things had become stressful for everyone as there were approximately 10 individuals on the property.

(b)(6),(b)(7)(C) At this point, thru the efforts of DO [REDACTED] we learned that the woman from the driveway is not our subject, but rather a family member of our subject. If she had been responsive to our questioning, such as what her name was while in the driveway, she never would have been placed into handcuffs and we could have figured it all out while in the driveway.

The woman from the driveway claimed to be a lawful permanent resident and in possession of a green card. A green card is evidence of one's lawful residence in the United States. All questioning at this point was being conducted by DO [REDACTED] I don't remember where it came (b)(6),(b)(7)(C) from, but a valid green card was produced. Also while this was happening, the male individual from the driveway was claiming to be a U.S. citizen. They are then told they are free to leave, are asked to turn around so that the handcuffs can be removed, and she refused to cooperate and wouldn't turn around. She remained highly agitated and wouldn't follow basic commands. The handcuffs were removed and they wouldn't leave. After walking out the door, and being on the (b)(6),(b)(7)(C) top step, she continued to yell, and DO [REDACTED] closed the door. I did not observe any force being

used to get the woman out the door. I observed her walking down the path while yelling that she was going to sue. I don't recall what time they left.

All of the above events occurred within the span of approximately 10 minutes.

We then ran the other remaining individuals thru our mobile Ident machine to identify and confirm the individuals' identities. We ultimately took 2 individuals into custody, and placed one juvenile onto an order of supervision.

(b)(6),(b)(7)(C) 6. Are you familiar with [REDACTED] and [REDACTED] and how are you familiar with them?

A. I don't recognize the names.

(b)(6),(b)(7)(C) 7. Are you familiar with [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

A. I don't recognize the names.

8. Where there any Grand Rapids Police officers on scene?

A. No, there were not non ICE personnel with us.

9. What other ICE/ERO employees were present in Grand Rapids at the date and time above?

(b)(6),(b)(7)(C) A. DO [REDACTED] DO [REDACTED] DO [REDACTED] IEA [REDACTED] and IEA (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) JP [REDACTED] and myself.

10. Do you remember the names of the civilians you encountered?

A. I do not.

(b)(6),(b)(7)(C) 11. Did you personally have any physical contact with either [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] and [REDACTED]?

A. After now learning that those are the names of the individuals in the driveway, I remember who they are, but do not recall having physical contact with either one.

(b)(6),(b)(7)(C) 12. Did you observe any ICE/ERO personnel have physical contact with either [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] and [REDACTED] and what did you observe?

A. See the above answer to question number 5.



(b)(6),(b)(7)(C) 13. It is alleged that the [redacted] were visiting [redacted] Grand Rapids, MI and that several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [redacted] from their car, handcuffed and then took them inside one of the residences there. It is further alleged that one of the agents repeatedly slammed [redacted] head into the trunk of the car before taking her inside. Did you observe any of this incident as alleged? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Based on the rate of speed that their car pulled into the driveway, it is my belief that the [redacted] came to the residence at [redacted] Grand Rapids, Michigan because knew that we were there and they came to get involved in the situation. I did not, however, observe any ICE employee slam [redacted] into the trunk of a car. I do not believe that that occurred or could have occurred as alleged. I did not observe any signs of abuse on [redacted] I did not hear her scream or call out in pain, nor did I hear a sound consistent with someone's head being slammed onto a trunk. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 14. Were the [redacted] physically removed from the vehicle or did they exit on their own?

A. I believe that they exited the vehicle on their own.

15. Did they present identification when asked?

A. No. The first time we asked, absolutely not. See answer to question 5 above.

(b)(6),(b)(7)(C) 16. Were the [redacted] suspected of being illegally present in the U.S.?

(b)(6),(b)(7)(C) A. Upon their arrival into the driveway, IEA [redacted] indicated that he believed that [redacted] was the target of our investigation. Shortly thereafter, we were able to identify her, and learned that she was not our subject. (b)(6),(b)(7)(C)

17. How were their identities verified?

A. Her's was verified by her green card, and his verbal statement as to his identity was not corroborated.

18. Were they cooperative?

A. No. See answer to number 5 above.

(b)(6),(b)(7)(C) 19. Did you personally handcuff either [redacted]

A. No. See answer to number 5 above.

(b)(6),(b)(7)(C) 20. Did you personally slam [redacted] head into the trunk of a car?

A. No. I did not see anyone slam her head into the trunk of a car.

(b)(6),(b)(7)(C) 21. Did you observe anyone slam or push [redacted] head into the trunk of a car?

A. No. See answer to 5 above.

22. Did you prepare any reports related to the above incident?

(b)(6),(b)(7)(C) A. Yes. In response to DFOE [REDACTED] I prepared a written statement of the occurrences of February 23, 2011.

23. What ultimately happened with those taken into custody?

A. They would have been transported to the Grand Rapids office, processed, served with ICE Form I-871, and then Calhoun County Sheriff's Department took custody of the prisoners. I don't know what happened subsequently.

24. Is there anything else you need to add to your statement?

A. No.

The contents of this three (6) page statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C) [REDACTED]

Before me this 9<sup>th</sup> day of November 2011

(b)(6),(b)(7)(C) [REDACTED]

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C) [REDACTED]

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

## YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

2014FOIA01578 005853



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. Citizens

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You,

(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's initials



Date

11/9/2011

Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [redacted] and Deportation Officer, ERO/Detroit, EOD 1/7/2007.

2. Describe your job responsibilities?

A. I currently work to locate and apprehend fugitive aliens. I am assigned to the Fugitive Operations (b)(6),(b)(7)(C),(b)(7)(F) [redacted]

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

A. Yes. I was in Grand Rapids for daily work, meaning we had built up fugitive operations worksheets for a number of wanted individuals and went to Grand Rapids to make the apprehensions. I don't remember the exact date I arrived in Grand Rapids, but was there for more than one day, I think it was three days, maybe four.

4. What was your role there?

A. We all work as team in the same capacity. I was not the case officer at the [redacted] address, but I was part of the team, (b)(6),(b)(7)(C),(b)(7)(F) [redacted]

(b)(6),(b)(7)(C)

5. What happened on or about February 23, 2011, at or near [redacted] Grand Rapids, MI?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. We were working afternoons, but it was still day light out, so I think it was sometime between 2:00 and 6:00 p.m. I was riding in a car with DO [redacted] and we arrived at the address together. I exited the GOV and was covering the right front corner of the house as the rest of the team approached. IEA [redacted] and another officer approached the front of the residence, and knocked. They called out on the radio that they saw someone sleeping on the couch inside. That same person then came and opened the door. One of the officers then called out "contact." The individual then opened the door, and IEA [redacted] then called out "Tango" meaning a targeted alien had been identified. Four total team members, myself, DO [redacted] IEA [redacted] and DO [redacted] then proceeded to enter the residence.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) The individual was handcuffed, and then I asked in Spanish if anyone else was in the home. The individual answered in the affirmative in Spanish that there was. Myself and DO [redacted] went up stairs to see who else was in the house. The individual gave his verbal consent to this. I don't recall if anything else was called out on the radio at this time. DO [redacted] knocked on the upstairs door, and a female individual within opened the door. I then spoke to her in Spanish,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



then an adult male came to the door of what I learned was a separate residence upstairs. The adult male let us into what was a dining room, I asked him if anyone else was there, he stated that his son may be sleeping somewhere in the house. I stayed with the adult male and asked him some more questions, including where his wife was. I then called out on the radio that two children were coming down, as the two young females went downstairs. DO [REDACTED] identified a closed door. The male individual indicated that behind the door was where his son may be sleeping. DO [REDACTED] then opened the door, and observed another adult male individual, probably in his 20's, climbing out of a window and onto the roof. I called out on the radio that someone was climbing out onto the roof. There was a lot of commotion at this time. I then quickly searched the rest of the upstairs residence, and after not finding anyone, went downstairs to the living room with the adult male in handcuffs. I then stayed in the living room. I couldn't see anything that was happening on the roof outside from where I was. The two female girls and three unknown males were currently detained in the living room. At about this time I told one of the IEAs to get upstairs to assist DO [REDACTED]. That is when I heard a car enter the driveway.

From where I was located I could not see the driveway, but I did hear it enter the driveway. I heard a screech. Then I heard someone on the radio, I think it was SDDO [REDACTED] call out on the radio that "they were coming quick." I stayed inside and spoke with the residents. For officer safety they were all cuffed, except for the little girl.

I then heard someone call out [REDACTED] on the radio. Then I heard SDDO [REDACTED] say that they were bringing in two more, but I couldn't see anything that had transpired in the driveway. I don't know their names, but two more individuals, one adult male, and one adult female were brought in from the driveway. They were both in handcuffs as they had been combative and non cooperative. They were sat down on the chairs in the living room. I asked them where their ID was. She stated in the car, and she was then escorted outside to get it. I believe DO [REDACTED] ran database checks on her to confirm her identity and had status. She was a lawful permanent resident. The son claimed to be a U.S. citizen, and we believed his assertion. This took about 10 minutes. DO [REDACTED] got the results of the checks and said that she was "good to go."

While I was attempting to unhandcuff her, she continued to move and squirm, and yelled profanities at me. I asked her to hold still if she wanted the handcuffs off. She remained argumentative, uncooperative, and wanted to fight. I believe that she would have assaulted me had she been able to. I finally got the cuffs off, gave her back her ID and asked her to leave. She refused, stating that she wasn't going anywhere. SDDO [REDACTED] then came up and told them they had to go. No force was used to get them out the door, only verbal commands and they finally left. When they did, I slammed the door closed. The only time I touched the woman was when I took the handcuffs off of her. They then yelled at us from outside claiming that she was going to call the police, that she had been hurt, and that the agents had no right to handcuff her.

We then ran the other remaining individuals thru our mobile Ident machine to identify and confirm the individuals' identities. We ultimately took 2 individuals into custody, and came back later to place one juvenile female onto an order of supervision. It was dark when we came back, but I don't remember the exact time.

All of the above events, from the time of our arrival until this point occurred within the span of approximately 30 minutes.



(b)(6),(b)(7)(C)

6. Are you familiar with [REDACTED] and [REDACTED] and how are you familiar with them?

(b)(6),(b)(7)(C)

A. I recognize the last name [REDACTED] I had worked up a Fugitive Operations Worksheets (FOW) on someone by the name of [REDACTED] I remember that there had been two addresses identified for them, one of them being [REDACTED] and the other [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

7. Are you familiar with [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. I don't recognize the names.

8. Where there any Grand Rapids Police officers or other law enforcement officers on the scene?

A. No.

9. What other ICE/ERO employees were present in Grand Rapids at the date and time above?

(b)(6),(b)(7)(C)

A. Myself, SDDO [REDACTED] DO [REDACTED] DO [REDACTED]; IEA [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

10. Do you remember the names of the civilians you encountered?

A. No. But I prepared a response to a FOIA request afterwards that would contain all of the names of those encountered.

11. Did you personally have any physical contact with either [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. I removed [REDACTED] handcuffs while in the living room. That was the only contact I had with her.

(b)(6),(b)(7)(C)

12. Did you observe any ICE/ERO personnel have physical contact with either [REDACTED] and [REDACTED] and what did you observe?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. No. I did not see anyone else have contact with her.

(b)(6),(b)(7)(C)

13. It is alleged that the [REDACTED] were visiting [REDACTED] Grand Rapids, MI and that several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [REDACTED] from their car, handcuffed and then taken them inside one of the residences. It is further alleged that one of the agents repeatedly slammed [REDACTED] head into the trunk of the car before taking her inside. Did you observe any of this incident as alleged?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. No. I did not observe [REDACTED] head being slammed into anything. She did not complain outloud about her head. She did not make a complaint of physical harm. She only complained that we could not place her in handcuffs.

3085

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

14. Were the [REDACTED] physically removed from the vehicle or did they exit on their own?

A. I don't know.

15. Did they present identification when asked?

A. She said it was in the car, and ultimately was escorted back to her car and did produce her ID. She remained belligerent the entire time.

(b)(6),(b)(7)(C)

16. Were the [REDACTED] suspected of being illegally present in the U.S.?

A. Yes, originally. I saw them come into the living room, I assumed that they may be illegally present in the U.S.

17. How were their identities verified?

A. Their identities were verified after being run through ICE systems.

18. Were they cooperative?

A. No. They were argumentative and combative with me and the other ICE Officers.

(b)(6),(b)(7)(C)

19. Did you personally handcuff either [REDACTED]

A. No.

(b)(6),(b)(7)(C)

20. Did you personally slam [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C)

21. Did you observe anyone slam or push [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C)

22. Did you personally shove [REDACTED] over a porch railing?

A. No.

(b)(6),(b)(7)(C)

23. Did you observe anyone slam or push [REDACTED] over the porch railing?

A. No.

24. Did you prepare any reports related to the above incident?

A. No. It wasn't until these allegations came forward that I prepared a written response to the FOIA request. We don't do Record of Incident (ROIs) for "Daily Work." We only prepare ROIs when we are conducting operations. We do not prepare written narratives for ongoing

(b)(6),(b)(7)(C)

daily events. 213 are prepared for those that are arrested; no reports are prepared when a U.S. Citizen or other is released.

25. What ultimately happened with those two individuals taken into custody?

A. One individual was accepted for federal criminal prosecution, and the other targeted fugitive alien was deported about two weeks after he was arrested.

26. Is there anything else you need to add to your statement?

A. We all acted in a professional manner during the entire incident.

The contents of this five (5) page statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)

[Redacted signature]

Before me this 9th day of November 2011

(b)(6),(b)(7)(C)

[Redacted signature]

Senior Special Agent

(b)(6),(b)(7)(C)

[Redacted signature]

Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

5085



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You [redacted] are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) on 11/09/2011 before SSA [redacted]  
(Date) (Name and Title of Investigating Official)  
(b)(6),(b)(7)(C) at [redacted] Detroit, MI  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C) [redacted]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) [redacted] Acknowledgement of Receipt

[redacted]  
Employee Signature

11/9/11  
Date

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. Citizens

(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You

(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's initial

Date

01/09/11



On February 23, 2011, officers from the Immigration and Customs Enforcement, Detroit Fugitive Operations Team attempted to locate ICE fugitive aliens at [REDACTED] Grand Rapids, MI, 49507. Officers were attempting to locate [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED], the property homeowner and her son. When officers arrived at the address, two officers went to the front door and observed one of the targets, [REDACTED] in the front living room of the residence through a window.

Officers knocked on the door; [REDACTED] answered the door and granted officers consent to enter the residence. Officers informed him they were officers from ICE and that he was under arrest for being present in the United States after being ordered deported by a federal immigration judge. Officers asked to search the residence for other people, and were granted consent to search the residence by [REDACTED]. Officers searched the main

floor of the residence finding no other people, but did notice a staircase in the rear of the residence that lead to an upstairs apartment. Officers knocked on the apartment door and were greeted by an individual that appeared to be a minor. Officers asked if a parent was home and the minor went and retrieved her father, who gave officers consent to enter the apartment. Officers informed the father of their identity and their purpose, now searching for [REDACTED] and were granted consent to search the apartment. Officers began searching the apartment and heard loud noises

(b)(6),(b)(7)(C)

coming from one of the bedrooms. Officers opened the bedroom door and witnessed an individual, later identified as [REDACTED] climbing out of the bedroom window and jump down onto the roof of the porch. Officers radioed to the rest of the team that an individual had jumped out of the window and was outside, attempting to elude officers. Officers responded to the area of the porch and witnessed the subject standing on the roof, holding an unidentified object in his hand. Officers were able to determine that the subject was holding his shoes, and ordered him to drop them down onto the ground. Officers informed the subject that he needed to jump down from the roof, or climb back into the window that he exited through. At this time an unidentified vehicle drove up the driveway and parked inside of the unattached garage located behind the residence. The two officer from outside went and made contact with the driver of the vehicle, who was its only occupant. Officers identified themselves to the subject who claimed he resided at the address and that he was illegally present in the United States. At this time, another vehicle entered the driveway traveling at a very high rate of speed, and stopped near the rear of the residence, squawking its tires. Both occupants of the vehicle exited and began yelling at the officers, questioning them as to why they were there and what did they think they were doing. One of the officers from inside the garage moved toward the vehicle and one officer from inside the residence came outside to assist after hearing the loud squawking of the tires. Both occupants of the vehicle were belligerent and extremely uncooperative with officers. One of the officers went to the drivers side of the vehicle and attempted to speak with the female driver, who ignored the request for her identity continuing to question the officer as to why they were at the address. One of the officers believed the female to be the target of their investigation. [REDACTED] as she matched

(b)(6),(b)(7)(C)

the description and looked similar to the drivers license photo in the target folder. The officer standing near the female walked her to the rear of the vehicle and again asked for identification, which again was ignored, with the female becoming even more belligerent and uncooperative. The female attempted to walk away from the rear of the vehicle, and at that time was placed in handcuffs. The male that had exited the vehicle from the passenger side was also extremely belligerent with officers and became enraged when he witnessed the officer place the female in handcuffs. The male subject began yelling at officers and began walking toward the officer at the rear of the vehicle, displaying a number of pre-assault indicators such as the clenching of his fists and storming towards the officer located at the rear of the vehicle. The male subject was then placed in handcuffs for his safety and the safety of the officers. While these events were taking place, a number of neighbors had exited their residences and a small crowd had begun to form across the



street. Officers made the decision to escort the three individual they had encountered outside into the residence so all officers were together to secure one area for their safety. Immediately after the three individuals from outside were escorted inside, officers again asked the two occupants of the vehicle their names and for identification. The female claimed she was a Lawful Permanent Resident and claimed she was in possession of her I-551 Resident Alien Card. Subject produced a Resident Alien Card bearing the name [REDACTED] and claimed the male was her son [REDACTED] and that he was born in the United States. Both subjects were released from their handcuffs and asked to exit the residence. Both subjects stood up, walked to the front door, exited and drove away in the vehicle they had arrived in. Officers then began questioning the remaining six individuals as to [REDACTED] whereabouts, and [REDACTED] they claimed she had moved to Canada nearly a year and a half ago. Through the use of the Mobile IDENT system, officers were able to determine the identity of the subject who had attempted to elude officers by jumping out of the window as [REDACTED] Subject [REDACTED] was previously deported from the United States to Guatemala after his conviction of Operating While Impaired and Driving Without a License. Both [REDACTED] and [REDACTED] were placed in belly chains, and placed into the officers vehicle. Officers departed from the residence only to realize that the minor that had initially greeted them at the upstairs apartment door was an ICE fugitive alien. Officer went back to the residence, knocked on the side door of the residence which served as the main entrance for the upstairs apartment and made contact with the child's father. Officers were granted consent to enter and placed the child, [REDACTED] onto an Order of Supervision. Officers again departed the residence and traveled to ICE Grand Rapids Sub Office and processed [REDACTED] and [REDACTED]

**From:** (b)(6)  
**To:** (b)(6)  
**Subject:** FW: (b)(6)  
**Date:** Thursday, August 23, 2012 11:18:48 AM  
**Attachments:** Affidavit, Rights and Warnings of SSDO (b)(6).pdf  
Affidavit and Warnings of (b)(6).pdf  
(b)(6) Affidavit and Rights and Warnings.pdf  
Closing Report.out  
Affidavit, Rights and Warnings of (b)(6).pdf  
Affidavit, Rights and Warnings of (b)(6).pdf  
Affidavit, rights and warnings of (b)(6).pdf

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FYI- the OPR information from the case.

**From:** (b)(6)  
**Sent:** Thursday, August 23, 2012 11:13 AM  
**To:** (b)(6)  
**Subject:** 1 (b)(6)

Hi (b)(6)

Per our conversation, please see attached closing report and employee affidavits associated with the above CRCL case. Thanks

(b)(6)  
(b)(6)  
Chief of Staff  
ICE Office of Professional Responsibility  
Washington, DC 20024  
Office: (202) 732- (b)(6)

(b)(6),(b)(7)(C)

From: (b)(6)  
To: (b)(6)  
Subject: FW: (b)(6) investigation  
Date: Wednesday, August 29, 2012 5:22:43 PM  
Attachments: 01 - Complaint.pdf  
Letter to (b)(6) re Criminal Investigation 11.6.13.pdf

---

FYI- information that the (b)(6) attorney sent to OPR and the complaint.

---

From: (b)(6)@aclumich.org]  
Sent: Wednesday, August 29, 2012 4:01 PM  
To: (b)(6)@dhs.gov'  
Subject: (b)(6) investigation

Hi (b)(6)

It was good to speak with you earlier today. I am glad to hear that the DHS Office of Civil Rights is looking at the (b)(6) case. As I mentioned, the case is currently in litigation. I have attached the complaint.

I have also attached a letter that we previously sent to OPR and the DOJ's Civil Rights Division regarding the prerequisites for making our clients available for any kind of investigation. As we discussed, while we hope that your office will undertake a full investigation, we cannot take any action that would prejudice the litigation. To date we have not even received the final results of the OPR investigation. We will be responding to the government's motion for summary judgment. Once those documents are filed, we can certainly provide those to you.

I look forward to hearing from you once you have had a chance to review these materials and to discuss this internally.

Best regards,

(b)(6)

Staff Attorney  
West Michigan Regional Office  
American Civil Liberties Union of Michigan  
89 Ionia NW  
Grand Rapids, MI 49503  
616- (b)(6)



Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Professional Responsibility  
Affidavit

State of Michigan:

County of Wayne:

1. Name, Title, Office, EOD date?

(b)(6),(b)(7)(C) A. [REDACTED] and Immigration Enforcement Agent, ERO/Detroit, November 10, 2008.

2. Describe your job responsibilities?

A. I was previously with the Fugitive Team, (b)(6),(b)(7)(C),(b)(7)(F) and now I am working with the Non Detained Section. I monitor people awaiting a judgment from Immigration Court. With the Fugitive Team, I was responsible for identifying and apprehending those with outstanding warrants as well as locating criminal aliens for arrest.

3. Were you in Grand Rapids, Michigan on or about February 23, 2011?

A. Yes. Fugitive Operations, (b)(6),(b)(7)(C),(b)(7)(E) was in Grand Rapids conducting an operation. Myself and the rest of the team were in Grand Rapids for approximately 5 days. Approximately 20 arrests were made by the team over the course of the 5 days.

4. What was your role there?

A. I was responsible for targeting the aliens subject to removal, as well as for targeting criminal aliens for arrest. I prepared FOW (Fugitive Operations Worksheets), which includes biographical data on our subjects for approximately 5 targets. I was also part of the arrest team while conducting the arrest operations. It was (b)(6),(b)(7)(C),(b)(7)(E) that day.

5. What happened on or about February 23, 2011, at or near [REDACTED] Grand Rapids, MI? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Sometime in the afternoon, while it was still day light, the whole team arrived at the [REDACTED] address. The team approached the residence in approximately 5 vehicles. I was alone in a 2003 Black Chevy Tahoe. I parked about 200 feet East of the driveway and covered the rest of the distance on foot. I did not have my weapon drawn as I approached. I was wearing my ballistic vest, marked with "Police" on the front and back, I also had my neck badge on a chain hanging from my neck. The house appeared to be closed up tight, as I was on the east side of the residence. Two officers, who I believe to be Officer [REDACTED] and Officer [REDACTED] approached (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) the door located on the South side of the house. I remained on the East side of the house  
(b)(6),(b)(7)(C) covering a side door. Officer [redacted] was with me on the East side, about 10 feet from me. I heard  
(b)(6),(b)(7)(C) Officer [redacted] or [redacted] knock on the door, I then heard conversation from near the door, and  
someone had answered the door. The voices from inside the house seemed quiet to me, and they  
did not sound agitated. There was a call on the radio, [redacted] which indicated to me that the  
Officers were going into the residence. I stayed where I was on the East side at this time.  
(b)(6),(b)(7)(C) Officer [redacted] Officer [redacted] and Officer [redacted] as well as Officer [redacted] all went inside the  
residence. I remained outside to maintain perimeter security.

(b)(6),(b)(7)(C) About 5 minutes after they had gone inside, there was a call on the radio that someone was  
(b)(6),(b)(7)(C) climbing out the window on the porch roof, almost directly above me. I then saw Officer [redacted]  
(b)(6),(b)(7)(C) and Officer [redacted] come over to my location. Officer [redacted] was the acting supervisor during  
(b)(6),(b)(7)(C) the entire operation in Grand Rapids. [redacted] and [redacted] found a ladder on the side of the house  
and tried to set it up so the individual on the roof could climb down, but the ladder wasn't tall  
enough. I then ran in the house to assist Officer [redacted] in the room where the individual had  
(b)(6),(b)(7)(C) climbed out of the window. I saw Officer [redacted] and Officer [redacted] in the living room of the  
(b)(6),(b)(7)(C) house as I went by. There were approximately 6 subjects seated on couches and chairs in the  
(b)(6),(b)(7)(C) living room as well. Officer [redacted] and I were in the room for approximately 5 or 10 minutes  
before the individual climbed back into the room through the window. We had been trying to  
coax him back inside. When the subject came back inside, Officer [redacted] handcuffed him, as  
(b)(6),(b)(7)(C) we didn't know what else he may have been capable of. At this time we didn't know if this was  
one of our wanted subjects.

(b)(6),(b)(7)(C) While Officer [redacted] and I were bringing the individual down to the living room, I heard  
(b)(6),(b)(7)(C) Officer [redacted] call on the radio that a vehicle entered the driveway, drove all the way to the back,  
approximately 100 feet, and had parked in a covered carport. Officer [redacted] and I left the  
(b)(6),(b)(7)(C) individual in the living room with Officer [redacted] and Officer [redacted]. I then went outside to back  
(b)(6),(b)(7)(C) up Officer [redacted] and Officer [redacted]. As I was making my way outside, Officer [redacted] called  
(b)(6),(b)(7)(C) out that another vehicle had entered the driveway with 2 occupants. I met the car; I was on the  
East side of it, while Officer [redacted] was on the West side, as it stopped about half way up the  
driveway. I believe the vehicle was a four door, but I don't remember the make and model.  
(b)(6),(b)(7)(C) Officer [redacted] told the male driver to roll down the window and provide identification. I did  
the same with the female passenger. The female passenger asked me who I was and what I was  
doing. I told her we were ICE Agents conducting an investigation, and I asked her again for her  
ID. The female passenger was verbally combative, and continued to ask me why I was there and  
what we were doing. I then asked her to get out of the car. Officer [redacted] asked the male  
(b)(6),(b)(7)(C) driver to get out of the car. Officer [redacted] approached our location with another male individual  
in handcuffs from the area of the carport. The female passenger opened the door on her own,  
and exited the vehicle without assistance. I did not recognize the female passenger at this time. I  
don't remember her showing any ID. Right as she gets out of the car, Officer [redacted] said that  
(b)(6),(b)(7)(C) she was the [redacted] meaning she was the subject of FOW. Officer [redacted] asked Officer  
(b)(6),(b)(7)(C) [redacted] if he was sure, and Officer [redacted] said yes, and Officer [redacted] then instructed him to  
(b)(6),(b)(7)(C) "hook her up." Officer [redacted] then proceeded to handcuff the male driver, as I escorted the  
female passenger to the back of the car. I had my hand on her upper arm on her bicep as I  
escorted her. I instructed her to put her hands on the car, at this time she resisted by pulling her  
right arm away, as well as by verbally saying "what right do you have to be here." I then  
physically put her hands on the back of the car by grabbing both of her wrists from behind and  
placing them on the trunk of the car. While I was trying to retrieve my handcuffs with my left

(b)(6),(b)(7)(C)  
[redacted]  
1/5/2012  
2066



(b)(6),(b)(7)(C) hand, she spun away from me by pushing off the car and spinning counter clock wise, in the direction of Officer [REDACTED] who was approximately 4 feet away. As she spun away, I was immediately concerned that she may be lunging towards Officer [REDACTED] whose back was turned, and I was concerned for his safety. I then grabbed her left arm with my left hand and placed her arm behind her back, while placing my right hand on her upper back, near her shoulder blade, and pushing her abdominal area of her body against the car. My right hand then took hold of her left arm, I pulled out my cuffs with my left hand, I cuffed her left wrist first, and then grabbed her right wrist, placed it behind her back and into the other open handcuff. At that time, I took one step back while maintaining control, double locked the handcuffs and walked her into the house. At no time while I was handcuffing her, did her head come near the trunk. At no time while I was handcuffing her did I slam her head into the trunk. At no time while I was handcuffing her did she call out in pain. She remained verbally uncooperative and challenging the entire time while escorting and handcuffing her. (b)(6),(b)(7)(C)

There was not any blood on her face. There was no swelling on her face. There were no marks of injury on her face that I could see.

(b)(6),(b)(7)(C) I then walked her inside, where we had all the Officers and Subjects in the same room. Officer [REDACTED] spoke with the female subject that I had handcuffed, asking her where her ID was. I believe they spoke in Spanish. She indicated that it was in her front pocket and Officer [REDACTED] retrieved her I-551, Permanent Resident Card, from her pocket. Officer [REDACTED] asked about the male driver, who at some point we learned was her son. She claimed he was a United States Citizen. Officer [REDACTED] then asked her if she resided at the [REDACTED] address, to which she answered "no." Both the female passenger and her son were then unhandcuffed, one of the Officers opened the front door, and they were asked to leave. She verbally refused to leave, and remained in the same spot, unmoving. She was then escorted out the door, I don't remember by whom. She physically resisted leaving, and one of the Officers had to "guide" her outside. I did not see her fall. I did not see her pushed over a railing. I did not see her fall as she exited. I did not push her over a railing. I did not push her, nor escort her out. After she and her son were outside, and the door was shut, I did not have additional contact with them. We were at the residence approximately an hour. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

A couple of those that remained inside were arrested, taken from the house, transported to Grand Rapids Field Office, and processed without incident.

(b)(6),(b)(7)(C) 6. Are you familiar with [REDACTED] and [REDACTED] and how are you familiar with them?

A. I am not familiar with those names.

(b)(6),(b)(7)(C) 7. Are you familiar with [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. The name [REDACTED] sounds familiar; I believe she was the target at the [REDACTED] address. (b)(6),(b)(7)(C)

8. Were there any Grand Rapids Police officers or other law enforcement officers on the scene?

A. No, not that I remember.

(b)(6),(b)(7)(C)

1/5/2012

3 of 6



9. What other ICE/ERO employees were present at the [redacted] address at the date and time above? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Myself SDDO [redacted] DO [redacted] DO [redacted] IEA [redacted] and (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) DO [redacted]

10. Do you remember the names of the civilians you encountered?

A. No.

11. Did you personally have any physical contact with either [redacted] or [redacted] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Now that I know the names of the individuals identified in paragraph 5 as the male driver, and the female passenger; yes I did. See answer to question 5 above.

12. Did you observe any ICE/ERO personnel have physical contact with either [redacted] or [redacted] and what did you observe? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Now that I know the names of the individuals identified in paragraph 5 as the male driver, and the female passenger; yes I did. See answer to question 5 above.

(b)(6),(b)(7)(C) 13. It is alleged that the [redacted] were visiting [redacted] Grand Rapids, MI and that (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) several ICE agents approached their vehicle when it pulled into the driveway. The agents removed the [redacted] from their car, handcuffed and then taken them inside one of the residences. It is further alleged that one of the agents repeatedly slammed [redacted] head (b)(6),(b)(7)(C)  
into the trunk of the car before taking her inside. Did you observe any of this incident as alleged?

(b)(6),(b)(7)(C) A. No. See answer to question 5 above. I did not, nor did I see anyone, slam [redacted] head into the trunk of a car. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 14. Were the [redacted] physically removed from the vehicle or did they exit on their own?

A. They exited on their own. See answer to question 5 above.

15. Did they present identification when asked?

(b)(6),(b)(7)(C) A. Initially she refused, but when she was in the living room, she told Officer [redacted] that it was in her pocket. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 16. Were the [redacted] suspected of being illegally present in the U.S.?

(b)(6),(b)(7)(C) A. When I heard Officer [redacted] call out [redacted] I then suspected that the female passenger, (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) who I now know is [redacted] was illegally in the United States.

(b)(6),(b)(7)(C)

1/5/2012

17. How were their identities verified?

A. Her identity was verified in the house by Officer [REDACTED] upon viewing her I-551 card. (b)(6),(b)(7)(C)

18. How would you describe their demeanor?

A. The male was cooperative; I didn't hear him say or do anything uncooperative. The female passenger was repeatedly physically and verbally uncooperative and resistive.

(b)(6),(b)(7)(C) 19. Did you personally handcuff either [REDACTED]?

A. Yes. See answer to question 5 above.

(b)(6),(b)(7)(C) 20. Did you slam [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C) 21. Did you observe anyone slam or push [REDACTED] head into the trunk of a car?

A. No.

(b)(6),(b)(7)(C) 22. Did you shove [REDACTED] over a porch railing?

A. No.

(b)(6),(b)(7)(C) 23. Did you observe anyone slam or push [REDACTED] over the porch railing?

A. No.

24. Did you prepare any reports related to the above incident?

A. No. I did not prepare the FOW on these subjects; I believe that Officer [REDACTED] did. (b)(6),(b)(7)(C)

25. What ultimately happened with those individuals taken into custody?

A. They were processed and given a Notice to Appear. I don't know what happened subsequently.

(b)(6),(b)(7)(C)  
[REDACTED]  
1/5/2012

26. Is there anything else you need to add to your statement?

A. At all times, I acted professional and consistently with the training that I have received. We were all marked as police officers, in some fashion, and we all acted professionally at all times.

The contents of this six (6) page statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)



Before me this 5<sup>th</sup> day of January 2012

(b)(6),(b)(7)(C)



Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)



Senior Special Agent  
Office of Professional Responsibility

(b)(6),(b)(7)(C)



1/5/2012

6 of 6



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

(b)(6),(b)(7)(C) You [REDACTED] are hereby directed to personally appear  
(Employee's Name)  
(b)(6),(b)(7)(C) on 01/05/2012 before SSA [REDACTED]  
(Date) (Name and Title of Investigating Official)  
at ERO/Detroit  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

- ☐ A Witness  
☒ A Subject

(b)(6),(b)(7)(C) [REDACTED]  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

**Acknowledgement of Receipt**

(b)(6),(b)(7)(C) [REDACTED]  
Employee Signature

01/05/2012  
Date

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged abuse and unlawful detention of U.S. citizens.

\_\_\_\_\_  
(theft, misuse of position, loss, etc.)

(b)(6),(b)(7)(C) You

\_\_\_\_\_  
(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

(b)(6),(b)(7)(C) Employee's initials

Date 1/5/2012

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**ADMINISTRATIVE WARNING ACKNOWLEDGEMENT**

(b)(6),(b)(7)(C)

I, [REDACTED] hereby  
(Employee's Name)

acknowledge receipt of the Administrative Warning. I understand

that SSA Matthew Dublin has been  
(Interviewing Official)

charged with conducting an official inquiry. I have been informed this inquiry is solely administrative in nature.

I have been informed that I may be subject to disciplinary action, up to and including removal (termination of employment) for my failure or refusal to cooperate with this investigation relating to the performance of my duties as an employee of the Department of Homeland Security. I have been informed that I may also be subject to criminal prosecution and/or administrative disciplinary action for any false answer that I give to any questions.

I have been advised that neither my answers, nor any information or evidence gained by reason of my answers, can be used against me in a criminal proceeding. The answers that I furnish and any information and/or evidence received may be used in the course of an administrative proceeding, which could result in a disciplinary action, including dismissal.

I understand that, pursuant to Departmental and ICE policies and directives, I am required to cooperate in this investigation by answering questions truthfully and under oath, and to provide documents and other materials concerning matters of official interest as part of this investigation.

(b)(6),(b)(7)(C)

[REDACTED]  
Employee Signature

01/05/2012

Date

1400 hrs

Time

a.m./p.m.

(b)(6),(b)(7)(C)

SSA [REDACTED]  
Name and Title of Interviewing Official  
U.S. Immigration and Customs Enforcement



(b)(6),(b)(7)(C)

From: [REDACTED]  
To: [REDACTED]  
Subject: Michigan case  
Date: Wednesday, August 29, 2012 11:12:23 AM

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So, I spoke to the attorney at the ACLU who represents [REDACTED] They have ongoing litigation on the incident (named the U.S. and the ICE officers). [REDACTED]

[REDACTED]

But, she is going to get affidavits from their clients for the litigation in about a month, and would be willing to share them with us then (they are also going to get affidavits from witnesses). If we can't talk to them, I think that this would be a good alternative.

FYI- the attorney also told me that they had trouble getting information about the OPR investigation and the names of the officers involved in the incident with their FOIA. She said that she has heard from community members that the officers involved in this incident have had other complaints filed against them. [REDACTED]

[REDACTED]

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    |                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|
|  <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement</b><br/><b>Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>                                                                                                                                                  |                                                    | <b>1. CASE NUMBER</b><br>[REDACTED] (b)(6),(b)(7)(C) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    | <b>PREPARED BY</b><br>[REDACTED] (b)(6),(b)(7)(C)    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    | <b>2. REPORT NUMBER</b><br>009                       |
| <b>3. TITLE</b><br>EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse)/GRAND RAPIDS, KENT, MI                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                    |                                                      |
| <b>4. FINAL RESOLUTION</b><br>Unfounded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                    |                                                      |
| <b>5. STATUS</b><br>Closing Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>6. TYPE OF REPORT</b><br>Investigative Findings | <b>7. RELATED CASES</b>                              |
| <b>8. TOPIC</b><br>Unknown ICE Agents Allegedly Assaulted a U.S. Citizen and a Lawful Permanent Resident                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                                                      |
| <b>9. SYNOPSIS</b><br><p>On May 25, 2011, Special Agent in Charge, Detroit, Michigan, Homeland Security Investigations (SAC/DT-HSI), Assistant Special Agent in Charge (ASAC) [REDACTED] sent an email to the Joint Intake Center (JIC), Washington, DC, regarding allegations that unknown Immigration and Customs Enforcement (ICE) agents illegally assaulted a U.S. citizen and a lawful permanent resident. (b)(6),(b)(7)(C)</p> <p>This investigation is being closed and not referred for consideration of Agency action.</p> |                                                    |                                                      |
| <b>10. CASE OFFICER</b> (Print Name & Title)<br>[REDACTED] ICE-OPR Special Agent (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>11. COMPLETION DATE</b><br>02-MAR-2012          | <b>14. ORIGIN OFFICE</b><br>ICE OPR RAC Chicago-2    |
| <b>12. APPROVED BY</b> (Print Name & Title)<br>[REDACTED] ICE-OPR Special Agent Supervisor (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>13. APPROVED DATE</b><br>02-MAR-2012            | <b>15. TELEPHONE NUMBER</b><br>No Phone Number       |
| THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.                                                                                                                                                                                                                 |                                                    |                                                      |
| THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.                      |                                                    |                                                      |





## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

## 1. CASE NUMBER

## PREPARED BY

## 2. REPORT NUMBER

009

## 10. NARRATIVE

(b)(6),(b)(7)(C) On May 25, 2011, SAC/DT-HSI, ASAC [REDACTED] sent an email to the JIC regarding allegations that unknown ICE agents illegally assaulted a U.S. citizen and a lawful permanent resident. This email message has been attached to the electronic case file. ASAC [REDACTED] stated in his email message that he became aware of the allegations of misconduct upon his receipt of Freedom of Information Act (FOIA) request filed by the American Civil Liberties Union of Michigan (ACLU). A press release accompanying the ACLU FOIA request, a copy of which has been attached to the electronic case file, alleged that an unknown ICE Agent repeatedly slammed [REDACTED] head into the trunk of a car. (b)(6),(b)(7)(C)

On or about May 31, 2011, Resident Agent in Charge, Chicago, Group Two, Office of Professional Responsibility (RAC/CH2-OPR), Senior Special Agent (SSA) [REDACTED] received this case for investigation. Preliminary inquiries conducted by SSA [REDACTED] identified that an operation had been conducted by Enforcement and Removal Operations, Detroit, Michigan (ERO/DT) on or about February 23, 2011, at [REDACTED] Grand Rapids, Michigan, that corresponded to the allegation. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On June 1, 2011, SSA [REDACTED] spoke by telephone with ACLU Staff Attorney [REDACTED] who claimed to represent [REDACTED] (civilian) and [REDACTED] (civilian), the alleged victims of the assault by unknown ICE Agents. SSA [REDACTED] attempted to schedule the interviews of [REDACTED] and [REDACTED] which [REDACTED] refused absent a grant of immunity for her clients. Pursuant to guidance received from Attorney [REDACTED] Office of the Principal Legal Advisor (OPLA), Washington, D.C., SSA [REDACTED] was unable to provide an agreement of immunity. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On June 2, 2011, SSA [REDACTED] spoke by telephone with ERO/DT Deputy Field Office Director (DFOD) [REDACTED] and requested documentation related to the enforcement operation that had been conducted by ERO/DT at [REDACTED] Grand Rapids, Michigan (target address), on February 23, 2011. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On June 13, 2011, SSA [REDACTED] presented this matter for prosecution to Assistant United States Attorney (AUSA) [REDACTED] Civil Rights Division, Criminal Section (CRD/CS), Washington, D.C. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On September 7, 2011, AUSA [REDACTED] indicated via email that his office was declining this matter for prosecution. This email message has been attached to the electronic case file. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On November 9, 2011, SSA [REDACTED] and RAC/CH1-OPR SSA [REDACTED] interviewed ERO/DT, Supervisory Detention and Deportation Officer (SDDO) [REDACTED] who provided a typed (b)(6),(b)(7)(C)



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

## 1. CASE NUMBER

## PREPARED BY

## 2. REPORT NUMBER

009

## 10. NARRATIVE

affidavit. This affidavit has been attached to the electronic case file. SDDO [REDACTED] stated that he was in Grand Rapids, Michigan, on or about February 23, 2011, with five other members of ERO/DT Fugitive Operations "Charlie" Team to conduct operations to find criminal and fugitive [REDACTED] in the Grand Rapids area. The team consisted of ERO/DT Deportation Officer (DO) [REDACTED], ERO/DT DO [REDACTED], ERO/DT Immigration Enforcement Agent (IEA) [REDACTED], and ERO/DT IEA [REDACTED]. SDDO [REDACTED] stated that upon receiving information from IEA [REDACTED] that an individual matching the description of a wanted criminal alien had been observed at the target address, the team arrived there sometime in the afternoon. SDDO [REDACTED] stated that DO [REDACTED] and DO [REDACTED] had approached the front door of the residence and knocked, while the rest of the team spread out around the house to form a perimeter. SDDO [REDACTED] stated that an individual matching the description of a wanted criminal alien answered the door, and gave consent for DO [REDACTED] and DO [REDACTED] to enter the residence. SDDO [REDACTED] stated that DO [REDACTED] and IEA [REDACTED] followed DO [REDACTED] and DO [REDACTED] into the residence to provide assistance, and the residence was then searched with consent. SDDO [REDACTED] stated that DO [REDACTED] made contact with someone upstairs, and that DO [REDACTED] was again given verbal consent to enter and search the upstairs of the residence by this individual. SDDO [REDACTED] indicated that after DO [REDACTED] went upstairs, SDDO [REDACTED] and IEA [REDACTED] entered the residence. SDDO [REDACTED] stated that someone called on the radio that someone from the upstairs had jumped out of a window onto the second floor porch roof. At this time IEA [REDACTED] and SDDO [REDACTED] went back outside where SDDO [REDACTED] heard IEA [REDACTED] giving verbal commands to someone to show their hands. SDDO [REDACTED] stated that he then ran over to this location and observed a male individual on the porch roof with something in the man's hand, which ended up being a shoe. SDDO [REDACTED] stated that this individual was then coaxed back into the residence by someone on the inside. SDDO [REDACTED] stated that he then observed a car pull into the driveway and park in the garage behind the house. SDDO [REDACTED] stated that he and IEA [REDACTED] then approached the garage to speak with the male driver of the vehicle. SDDO [REDACTED] stated that while he was conducting an immigration inspection of the male driver, he heard an engine revving and tires screeching as another car entered the driveway at a very high rate of speed. SDDO [REDACTED] stated that he then told IEA [REDACTED] to go encounter the occupants of the vehicle in the driveway. SDDO [REDACTED] stated that he observed IEA [REDACTED] exit the residence to render assistance to IEA [REDACTED]. SDDO [REDACTED] stated that the car came to a screeching halt in the driveway and 2 occupants exited quickly. SDDO [REDACTED] further stated that he then heard a woman "going crazy," yelling that the ICE Agents did not have a right to be there. SDDO [REDACTED] stated that almost immediately IEA [REDACTED] indicated to him that this female was a wanted criminal alien. SDDO [REDACTED] indicated that he then instructed IEA [REDACTED] to place the woman into handcuffs. SDDO [REDACTED] stated that the male individual became agitated and excited, yelling loudly. SDDO [REDACTED] stated he believed that the male in the driveway was



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

## 1. CASE NUMBER

[REDACTED] (b)(6),(b)(7)(C)

## PREPARED BY

[REDACTED] (b)(6),(b)(7)(C)

## 2. REPORT NUMBER

009

## 10. NARRATIVE

(b)(6),(b)(7)(C) displaying pre-assault indicators, and began advancing toward the female while IEA [REDACTED] was (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) handcuffing her. SDDO [REDACTED] stated that the male was placed into handcuffs by IEA [REDACTED] for (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) officer safety. SDDO [REDACTED] denied that either IEA [REDACTED] or IEA [REDACTED] shoved the woman, (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) hit her head into the car, hit her head onto the trunk of the car, or physically mistreated her in (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) anyway. SDDO [REDACTED] stated IEA [REDACTED] acted professionally during the entire encounter. (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) SDDO [REDACTED] stated that IEA [REDACTED] did not mistreat the male individual in anyway, and that IEA (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] acted professionally during the entire encounter. SDDO [REDACTED] stated that male and (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) female individuals encountered in the driveway were briefly escorted into the residence. SDDO (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] stated that the team was able to determine that this woman was not the criminal alien they (b)(6),(b)(7)(C)  
had been seeking and released her. The male was also released at this time.

(b)(6),(b)(7)(C) On November 9, 2011, SSAs [REDACTED] and [REDACTED] interviewed ERO/DT DO [REDACTED] who provided a (b)(6),(b)(7)(C)  
typed affidavit. This affidavit has been attached to the electronic case file. DO Rocha provided a (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) statement that was consistent with the detailed facts above as provided by SDDO [REDACTED] DO (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] denied that she or any other ICE Agent slammed the woman's (latter identified as [REDACTED]) (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) head into a car. DO [REDACTED] denied that anyone encountered on February 23, 2011, (b)(6),(b)(7)(C)  
suffered any physical injury or was in anyway mistreated, and that all of the ICE Agents acted (b)(6),(b)(7)(C)  
professionally during the entire encounter.

(b)(6),(b)(7)(C) On January 5, 2012, SSA [REDACTED] and RAC/CH1-OPR SSA [REDACTED] interviewed ERO/DT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) IEA [REDACTED] who provided a typed affidavit. This affidavit has been attached to the electronic (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) case file. IEA [REDACTED] provided a statement that was consistent with the detailed facts above as (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) provided by SDDO [REDACTED] IEA [REDACTED] denied that he or any other ICE Agent slammed (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] head into the trunk of a car. IEA [REDACTED] denied that anyone encountered on (b)(6),(b)(7)(C)  
23, 2011, suffered any physical injury or was in anyway mistreated, and that all of the ICE Agents (b)(6),(b)(7)(C)  
acted professionally during the entire encounter.

(b)(6),(b)(7)(C) On January 25, 2012, SSAs [REDACTED] and [REDACTED] interviewed ERO/DT IEA [REDACTED] who (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) provided a typed affidavit. This affidavit has been attached to the electronic case file. IEA (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] provided a statement that was consistent with the detailed facts above as provided by (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) SDDO [REDACTED] IEA [REDACTED] denied that he or any other ICE Agent slammed [REDACTED] head (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) into the trunk of a car. IEA [REDACTED] denied that anyone encountered on February 23, 2011, (b)(6),(b)(7)(C)  
suffered any physical injury or was in anyway mistreated, and that all of the ICE Agents acted (b)(6),(b)(7)(C)  
professionally during the entire encounter.

(b)(6),(b)(7)(C) On January 25, 2012, SSAs [REDACTED] and [REDACTED] interviewed ERO/DT DO [REDACTED] who (b)(6),(b)(7)(C)  
provided a typed affidavit. This affidavit has been attached to the electronic case file. DO

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="121 241 276 399"></div> <div data-bbox="389 174 993 205" data-label="Section-Header"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="479 401 902 470" data-label="Section-Header"><b>REPORT OF INVESTIGATION<br/>CONTINUATION</b></div> <div data-bbox="495 480 885 508" data-label="Text">HB 4200-01 (37), Special Agent Handbook</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | <div data-bbox="1101 174 1365 205" data-label="Section-Header"><b>1. CASE NUMBER</b></div> <div data-bbox="1101 220 1279 283" data-label="Text">(b)(6),(b)(7)(C)</div> <div data-bbox="1101 289 1326 319" data-label="Section-Header"><b>PREPARED BY</b></div> <div data-bbox="1101 331 1425 394" data-label="Text">(b)(6),(b)(7)(C)</div> <div data-bbox="1101 417 1409 451" data-label="Section-Header"><b>2. REPORT NUMBER</b></div> <div data-bbox="1101 478 1159 508" data-label="Text">009</div> |
| <div data-bbox="116 520 347 552" data-label="Section-Header"><b>10. NARRATIVE</b></div> <div data-bbox="24 556 1599 1029"><p>(b)(6),(b)(7)(C) provided a statement that was consistent with the detailed facts above as provided by SDDO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) denied that he or any other ICE Agent slammed (b)(6),(b)(7)(C) head into the trunk of a car. DO (b)(6),(b)(7)(C) denied that anyone encountered on February 23, 2011, suffered any physical injury or was in anyway mistreated, and that all of the ICE Agents acted professionally during the entire encounter.</p><p>(b)(6),(b)(7)(C) On February 22, 2012, SSAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed ERO/DT DO (b)(6),(b)(7)(C) who provided a typed affidavit. This affidavit has been attached to the electronic case file. DO (b)(6),(b)(7)(C) provided a statement that was consistent with the detailed facts above as provided by SDDO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) denied that he or any other ICE Agent slammed (b)(6),(b)(7)(C) head into the trunk of a car. DO (b)(6),(b)(7)(C) denied that anyone encountered on February 23, 2011, suffered any physical injury or was in anyway mistreated, and that all of the ICE Agents acted professionally during the entire encounter.</p></div> |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="121 241 276 399"></div> <div data-bbox="394 174 993 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="483 401 902 472"><b>REPORT OF INVESTIGATION<br/>Exhibit List</b></div> <div data-bbox="501 480 885 510">HB 4200-01 (37), Special Agent Handbook</div> | <b>1. CASE NUMBER</b><br><div data-bbox="1101 226 1269 279" style="background-color: #90EE90; width: 100px; height: 25px;"></div> <div data-bbox="1437 226 1572 256">(b)(6),(b)(7)(C)</div> |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>PREPARED BY</b><br><div data-bbox="1101 325 1416 378" style="background-color: #90EE90; width: 194px; height: 25px;"></div> <div data-bbox="1437 325 1572 354">(b)(6),(b)(7)(C)</div>    |
|                                                                                                                                                                                                                                                                                                                                                                              | <b>2. REPORT NUMBER</b><br>009                                                                                                                                                              |
| <div data-bbox="126 527 203 560">None</div>                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                             |

(b)(6),(b)(7)(C) From: [REDACTED]  
(b)(6),(b)(7)(C) To: ICEFOIARESPONSE  
(b)(6),(b)(7)(C) Cc: ICE DRO FOIA; [REDACTED]  
Subject: RESPONSE: TASKING FOIA 11-9091  
Attachments: Communication between ICE & GR (2).pdf  
Prosecution folder.pdf  
Entire Investigative folder.pdf  
Electronic record A99519986.pdf  
Entire FOW A71583253.pdf  
A200066744 OS 22311 residence.pdf  
FOIAcover.pdf  
FOIA11-9091.pdf

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Please see attached response from AOR regarding FOIA 11 – 9091 (total time spent 6hrs)

*Please feel free to contact me with any further questions ....*

(b)(6),(b)(7)(C)

[REDACTED]

*If I am not good to myself, how can I expect anyone else to be? - Maya Angelou*

---

(b)(6),(b)(7)(C) From: [REDACTED]  
(b)(6),(b)(7)(C) Sent: Thursday, May 26, 2011 2:52 PM  
(b)(6),(b)(7)(C) To: [REDACTED]  
(b)(6),(b)(7)(C) Cc: ICE DRO FOIA; [REDACTED]  
Subject: TASKING FOIA 11-9091 (DUE DATE JUNE 2, 2011 NLT 6PM)  
Importance: High

***The following message is being forwarded on behalf of*** [REDACTED] (b)(6),(b)(7)(C)  
***Assistant Director, Mission Support Division:***

(b)(6),(b)(7)(C) To: Field Office Director Adducci  
(b)(6),(b)(7)(C) Deputy Field Office Director [REDACTED]  
(b)(6),(b)(7)(C) From: [REDACTED]  
Chief, Information Disclosure Unit  
Enforcement Removal Operations

Due Date: **June 2, 2011**; NLT 6 p.m. EST

Background: Freedom of Information Act (FOIA) #11-9091

Requester:

The attached Freedom of Information Act (FOIA) requires your action. Specifically, the requester is seeking request for records from time period May 1, 2009 through present. All records related to the ICE actions that took place on the afternoon and evening of February 23, 2011 at [REDACTED] Grand Rapids, MI, 49507.

All records relating to the planning of the February 23rd action. All records relating to which individuals were being sought during the February 23rd action, including all records

(b)(6),(b)(7)(C) indication the basis for ICE's conclusion that those individuals could be found at (b)(6),(b)(7)(C) Grand Rapids, MI 49507.

All records relating to the coordination and execution of the February 23rd action. A document showing which ICE personnel were present in Grand Rapids at any time on February 23, 2011, and the location and assignment during the course of that day for each ICE employee present in Grand Rapids that day.

All records relating to the follow-up and aftermath of the February 23rd action, including: All records related to all individuals apprehended in West Michigan and processed through the Grand Rapids ICE office on February 23, 2011. All records related to all other ICE enforcement actions taken against any other individuals who were present on February 23, 2011 at (b)(6),(b)(7)(C) Grand Rapids, MI, 49507, but who were not removed from that location by ICE. All records, including incident reports, electronic mail, memos, evaluation's investigative reports, request for information, or other communications made by ICE personnel to any person or entity after the February 23rd action regarding that action. All records, including all log entries, notes, incident reports, audio tapes, or other records of a call(s) made to 1-877-ZINTAKE, or all other ICE or DHS hotlines, regarding the February 23rd action. All records related to activity undertaken by ICE in order to respond to prior FOIA and Privacy Act request make by (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

All records showing what communications were made during the period February 23, 2011 through February 25, 2011 on all phone, cellular phone, radio, or other communication device used by any ICE personnel who planned, participated in, supervised, evaluated, investigated, or were in any way involved in the February 23rd action. A document for each ICE employee who planned, participated in, supervised, evaluated, investigated, or was in any way involved in the February 23rd action that shows his or her county or city of residence. All video or audio records related in any way to the February 23rd action. All vehicle logs other records showing what ICE vehicles were used during the February 23rd action and the route of, drivers of, passengers of, and stops by those vehicles on February 23, 2011. All records related to all communications between ICE personnel and personnel of the Grand Rapids Police Department concerning the February 23rd action. All records showing the total staff time and money spent planning, coordinating and executing the February 23rd action.

All records related to the training of ICE personnel, including but not limited to. All ICE training manuals, guidance, and materials for enforcement and removal operations. All ICE training manuals and material that were provided to agents operating in Michigan. All documents showing training schedules for ICE personnel operating in Michigan, including all documents concerning which personal participated in which training. All materials from all training programs in which ICE personnel operating in Michigan have participated since May 1, 2009.

All records regarding the operational structure of the Detroit ICE including. A - Numbers document showing the names and titles of all ICE personnel working in Michigan. A document that shows the name and work location of each employee; which shows where all ICE personnel working in Michigan are based geographically. All documents showing, with respect to the planning and coordination of operations to apprehend fugitives in West Michigan, what activities are undertaken in Detroit and what activities are undertaken in the filed.



Job descriptions for : The ICE Director, The Executive Associate Director for Enforcement and Removal Operations, The Deputy Executive Associate Director, Enforcement and Removal Operations, The Acting Field Office Director, the Detroit Deputy Director, ICE agents, All ICE personnel located in Grand Rapids or present in Grand Rapids during the February 23rd action.

All ICE policies, protocols, or other records, relating to: planning and execution of fugitive operations, apprehension made in homes, apprehensions made in public, racial profiling, handcuffing, drawing and use of weapons, collateral contacts, or persons present on the scene who are not the primary subject of a field operation, procedures and standards for verifying the identity and/or immigration status of individuals encountered in the field, procedure and standards for questioning and/or interrogating individuals, treatment of minors during enforcement action.

All complaints, formal or informal, received about the activities of ICE Officers operating out of or in collaboration with the Detroit Field Office, and all records pertaining to all follow-up action taken in response to such complaints since January 1, 2008.

*This FOIA has also been sent to OPR, HIS, OHC and OPP.*

Please note that if applicable, the entire detention file should be provided with your response. Any requests for the "A" file will be submitted through CIS.

When responding to this FOIA, please identify those items to which you are responding and identify any items for which you do not have a response, i.e., information is not tracked, etc. Lastly, please complete/sign the first two pages of the FOIA request as well as the attached checklist as part of your response. Send all responses and forms to [REDACTED] and copy the "ICE DRO FOIA" mailbox. [REDACTED]

Your timely response is greatly appreciated.

[REDACTED]  
*US Immigration and Customs Enforcement  
ERO/MSD/Information Disclosure Unit  
[Rita.Jumper-Montgomery@dhs.gov](mailto:Rita.Jumper-Montgomery@dhs.gov)  
202.732.4480 (office)  
202.422.8673 (blackberry)*

# EXHIBIT 1

December 16, 2011

The Honorable Janet Napolitano  
United States Secretary of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

I write to express my profound concern about an enforcement action conducted by the Immigration and Customs Enforcement ("ICE") last weekend in Alabama. Armed ICE agents went to trailer parks and apartment complexes in Fort Payne and Collinsville, entering homes without permission and terrorizing families. Children—citizens and non-citizens alike—were traumatized. In more than one case, ICE agents interrogated young children about the whereabouts of their parents.

Alabama's Latino community has been devastated by Alabama's extraordinarily harsh anti-immigrant law, known as HB56. In the aftermath of that law taking effect, the federal government has devoted significant resources to reassuring the Latino community that it is dedicated to protecting Alabamian's civil rights. The Department of Justice has sued to block the law and has stated that it believes the law to be unconstitutional. Tom Perez, chief of the Civil Rights Division of the Department of Justice, has repeatedly visited Alabama and met with community leaders to hear their stories and has promised to actively oppose HB56. Similarly, high-level officials from other agencies, including the Departments of Education and Labor, have visited Alabama and have offered reassuring words about their commitment to protect the rights of individuals in this state. You have stated that the Department of Homeland Security will not help Alabama implement this law.

We believe that this series of ICE raids has profoundly undermined the efforts of other federal agencies to reassure the Latino community in Alabama that the federal government seeks to protect the civil rights of all persons. Home raids are a particularly destructive means of conducting enforcement actions; they terrorize communities and are particularly frightening to children, who are forced to watch family members arrested and detained. The family members who have been left behind are afraid to be in their own homes and to live in this community. They have been driven even further underground. The reports we've heard from the people who witnessed the raids suggest that agents engaged in disturbing and illegal conduct—including threatening to arrest U.S. citizen children if those children did not disclose the whereabouts of their parents. Although the agents appeared to be looking for a few specific individuals, they went far beyond what was necessary to locate those persons, and arrested many others who simply happened to



be in the vicinity. That ICE took this action just before Christmas in this already decimated community is heart wrenching.

We call upon you to cease these kinds of enforcement actions in this state. We also call upon you to conduct a thorough investigation of the civil rights violations that may have taken place in the course of these raids. We once again ask that you to visit Alabama and to meet with people who live here to hear their stories.

We would appreciate the opportunity to meet with you to discuss these issues.

Sincerely,



Mary Bauer  
Legal Director

# EXHIBIT 10

DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF \_\_\_\_\_

STATE OF ALABAMA

(b)(6),(b)(7)(C)

I, [REDACTED] who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

(b)(6),(b)(7)(C)

A. [REDACTED] Deportation Officer, GS-12.

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. October 2008. I have 16 years federal government service.

Q. What is your current assignment and duty station?

A. Fugitive Operations Team (FOT), Homewood, AL.

Q. How long have you worked in your current assignment at your current duty station?

A. Since October 2008.

Q. Who is your first line supervisor?

(b)(6),(b)(7)(C)

A. [REDACTED]

Q. Briefly describe your duties.

A. I am a Deportation Officer assigned to the FOT.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes, on December 9 – 11, 2011.

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

1



Q. Approximately how many operations has the FOT done here in Homewood since 2008?

A. 10 – 12.

Q. Since the FOT got started in December 2008, have you had any complaints from the public?

A. Not that I'm aware of.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes, December 9 – 11, 2011.

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. That is all handled at the supervisor level. [REDACTED] handles that. (b)(6),(b)(7)(C)

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes.

Q. Were there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No. We notified the local agencies when we worked in the area, but they did not assist.

Q. Are you aware of a memo dated January 19, 2010, from David J. Venturella, Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. Yes.

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an

(b)(6),(b)(7)(C)

Affiant

Initials

2

(b)(6),(b)(7)(C)

arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes.

Q. Who prepares the FOW, and when is it prepared?

A. Each individual officer prepares the FOW in his docket range prior to going out to the field.

Q. Does the person giving the consent to enter and/or search the residence sign the FOW giving authorization?

A..No.

Q. Is the person giving the FOT consent to enter or search required to sign any document showing consent?

A. No.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. Yes.

Q. Were there any juveniles encountered or arrested during "Operation Return to Sender?"

A. Yes, juveniles were present at almost every home, but not arrested.

Q. Would the FOT ever accept the consent of a juvenile to enter and/or search a residence?

A. No, because they are not of age to give consent. We do not deal with juveniles without adults being present. This is due to our Fourth Amendment Training.

Q. Would the FOT members ever interview or interrogate a juvenile for information regarding the whereabouts of their parents or anyone?

A. No. We would ask them, "Are your parents home?" or "Can you go get your mother or father?" or "what is your age?" We do not interview or interrogate juveniles.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo also discusses the requirements for Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a member of the Fugitive Operation Team (FOT) do you and other officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes we receive the training as stated. Yes, that copy is correct.

Q. How is this training conducted and what type of information is provided in the Fourth Amendment Training?

A. The training is given by one of the OPLA attorneys just giving general Fourth Amendment activities or concerns as it relates to Law Enforcement activities.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Q. To the best of your knowledge and belief, during "Operation Return to Sender" are you aware of any officer interrogating or questioning young children about the whereabouts of their parents?

A. Interrogating no. We may have asked a juvenile where there parents were.

Q. To the best of your knowledge and belief, during "Operation Return to Sender", are you aware of any officer involved in this operation threaten to arrest children if those children did not disclose the whereabouts of their parents?

A. No officers threatened any children during this operation.



Q. Prior to me contacting you, were you aware that there is an ICE, Office of Professional Responsibility (OPR) investigation regarding the FOT entering homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?

A. Yes, we had to compile all the FOWs and I-213s based on upper management request. The team also had a conference call with the FOD.

Q. When the FOT went to the addresses looking for targets, was this considered a knock and talk procedure?

A. Yes.

**Note:**

**The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.**

(b)(6),(b)(7)(C) [REDACTED] FORT  
(b)(6),(b)(7)(C) PAYNE, ALABAMA And [REDACTED]

(b)(6),(b)(7)(C) Q. On December 11, 2011, during the operation, did you and other officers go to 200 [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C) A. When we showed up at this address, as we were exiting our vehicles [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] was also getting out of his. His vehicle was right outside the apartments that we thought were our apartments. I contacted [REDACTED] and asked him (b)(6),(b)(7)(C)  
questions concerning his citizenship and where he lived. He stated he was there to work on a mini-bike that was positioned in between two apartments. He stated it belonged to the apartment on the left.

(b)(6),(b)(7)(C) Officer [REDACTED] knocked on that door and the occupants said the bike belonged to the apartment on the right. At that time, I asked [REDACTED] for any identification and he admitted to me that he was in the United States illegally. Based on his admission, I began to place him under arrest and handcuffed him. At the same (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) time, Officer [REDACTED] was knocking on the door on the right. At that time, [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) admitted that he lived in the apartment on the right and his identification was in that apartment. I asked [REDACTED] if we could all go in and get his identification and he gave us consent to enter. The door was already opened because someone (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) had answered the door when Officer [REDACTED] knocked. I notified [REDACTED] that he lived there and gave us consent to enter. All three of us went in together but I

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED] 5 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) don't remember the exact order of how we entered. Once we entered, we  
(b)(6),(b)(7)(C) obtained [redacted] identification as well as identification of all the adults in the  
residence, with the exception of [redacted]. All the adults in the  
residence were foreign nationals without documentation to be in the United  
States legally.

(b)(6),(b)(7)(C) [redacted] was unable to provide any identification and admitted that  
he was in the United States illegally. At that time, he was taken into custody as  
well. After both subjects were taken into custody, we exited the apartment.

(b)(6),(b)(7)(C) This is to note, while we were in the apartment, Officers [redacted] and  
[redacted] entered the apartment to assist us. (b)(6),(b)(7)(C)

We did not arrest the other adults in the apartment based upon their  
circumstances and executing our prosecutorial discretion.

The target that we were looking for at that address was [redacted] (b)(6),(b)(7)(C)  
who was not residing at the apartment at that time. To the best of my  
knowledge, everyone questioned said the target did not live at that address.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) A. Myself, [redacted] [redacted] and [redacted] (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. As a standard for our team, we were wearing the ICE approved outer ballistic  
vest that has "ICE POLICE" on it. We were also wearing our badges and our  
weapons in plain view. We identify ourselves as either ICE Agent or police.

Q. Was there proper language communication between all parties that day?

A. Yes, a couple of the officers on our team speak Spanish. I speak Spanish  
from my Border Patrol training.

Q. Who gave the officers authorization to enter that residence?

(b)(6),(b)(7)(C) A. [redacted]

Q. Did the FOT ask for permission to enter the residence or was invited?

(b)(6),(b)(7)(C) A. I explained to [redacted] that he was going to be arrested because he didn't have  
identification and he stated that he had identification in the house and wanted to  
go inside to get it. I asked him if we could all go in and he said yes.

(b)(6),(b)(7)(C) Affiant [redacted] Initials [redacted] (b)(6),(b)(7)(C)

6



Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. He was not under any duress and he voluntarily gave us permission to enter.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he was an occupant.

Q. Did any FOT agents write a report to document the events that occurred at the residence?

A. Yes, the I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

(b)(6),(b)(7)(C) A. Yes, it stated that [REDACTED] gave the authorization to enter the residence.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, no one objected to our presence or asked us to leave.

Q. Once inside the residence, which officer knocked on the bedroom door of

(b)(6),(b)(7)(C) A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. Did the officers search the bedroom of [REDACTED] If so, did he give permission to search his bedroom?

A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. Was there a Field Office Work (FOW) Sheet prepared for [REDACTED] or [REDACTED] If so, who prepared it? (b)(6),(b)(7)(C)

A. No, they weren't the targets of the operation.

(b)(6),(b)(7)(C) Q. Did [REDACTED] or [REDACTED] advise an officer that they had an injury that they received during the arrest? If so, who was the officer?

A. No, neither of them complained of any injuries.

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED]

7 (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

Q. Did [redacted] or [redacted] state that the handcuffs that were placed on them were too tight?

A. No, not in my presence.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C)

Q. Which officer transported [redacted] and [redacted] to Chattanooga?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. We had two officers transport people in general. I'm not sure which officer transported them. Officers [redacted] and [redacted] did the transports.

(b)(6),(b)(7)(C)

Q. Which officer processed [redacted] or [redacted] in Chattanooga?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. Officer [redacted] processed both.

(b)(6),(b)(7)(C)

Q. Which officer fed [redacted] or [redacted] in Chattanooga?

A. I do not know. I wasn't there when they were fed.

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a Sandwich on the floor toward [redacted] or [redacted] when he was being fed?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. To my knowledge [redacted] bought meals out of his own pocket to feed the detainees. I do not know why someone would purchase meals to throw it at them. To my knowledge, no one threw food at the detainees.

(b)(6),(b)(7)(C)

Q. What happened after [redacted] or [redacted] was processed in Chattanooga?

A. Everyone arrested that day and processed in Chattanooga were transported to DeKalb County Jail by the DeKalb County Sheriff's Department.

(b)(6),(b)(7)(C)

Q. Was [redacted] or [redacted] on the target list for this operation?

A. No.

Q. How many people were arrested from that residence that day?

(b)(6),(b)(7)(C)

A. Just [redacted] and [redacted]

(b)(6),(b)(7)(C)

Affiant [redacted] initials [redacted]

(b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) **END QUESTIONS**

AND

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) **FORT**  
**PAYNE, ALABAMA.**

(b)(6),(b)(7)(C) **FORT PAYNE, ALABAMA**

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

(b)(6),(b)(7)(C) Q. During the operation, did you and other officers go to Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes, looking for a target of the operation

(b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) A. Myself, and

Q. What type of clothing were you and the other officers wearing, and did they identify themselves?

A. As a standard for our team, we were wearing the ICE approved outer ballistic vest that has "ICE POLICE" on it. We were also wearing our badges and our weapons in plain view. We identify ourselves as either ICE Agent or police.

Q. Upon arriving at the address, explain what happened and who was the first person that was encountered?

(b)(6),(b)(7)(C) A. We were conducting surveillance on that address. We observed a person come out and get into a vehicle. Officer was the first person to make contact with the person outside and I arrived shortly after. The person outside was identified as Officer asked if we could enter the residence to speak to her husband and she agreed. As we approached the door, it was opened by a Hispanic male, who was identified by the picture on our FOW

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Affiant initials

9

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) as our target [redacted] Officer [redacted] spoke to [redacted] and asked him if we could come in to talk with him and he said yes. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Once inside the residence, [redacted] explained to [redacted] and his wife that we had a warrant for his arrest. Both residents and the FOT went to the bedroom to get their identification. At that time, [redacted] became combative. Why he was resisting I have no knowledge. Officer [redacted] and I moved the wife out into the kitchen and [redacted] [redacted] and [redacted] secured [redacted] (b)(6),(b)(7)(C)

We further explained to the wife that he would be taken to Chattanooga and he would be allowed to call from there. Then we exited the residence and transported the detainee.

Q. During the arrest, was there a black male officer who was tall and on the heavy side, with a light beard at the scene?

A. No.

Q. Was there proper language communication between all parties?

A. Yes, a couple members of the FOT speak Spanish. I speak Spanish based on my Border Patrol training.

Q. Who opened the door to that residence?

(b)(6),(b)(7)(C) A. [redacted]

Q. Who gave the FOT officers authorization to enter that residence?

(b)(6),(b)(7)(C) A. [redacted] outside and prior to entering the residence [redacted] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [redacted]? If so, who prepared it?

(b)(6),(b)(7)(C) A. Yes, Officer [redacted] prepared it before the operation.

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

(b)(6),(b)(7)(C) A. The subject, [redacted] and I witnessed. It is not listed on the FOW, but [redacted] also gave consent to Officer [redacted] outside and I witnessed that as well. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Affiant [redacted] Initials [redacted]

10 (b)(6),(b)(7)(C)



Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked for permission and were then invited in by [REDACTED]

(b)(6),(b)(7)(C)

Q. Who gave the authorization to search the residence? Who witnessed?

A. Once we came into the house, they both did. Witnessed by myself.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No, no one was under duress or coercion when permission was granted. It was granted freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, both were occupants.

Q. Did anyone at the residence object to the FOT being inside the residence?

A. No, at no time no one objected.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Q. Did the report contain wording as to how FOT officers obtained consent to enter and search the residence?

A. Yes, the I-213 indicated that [REDACTED] granted consent to enter.

Q. Which officers escorted [REDACTED] to the bedroom to obtain her documents?

A. I don't recall which officers did.

Q. Was anyone injured during the arrest?

A. No.

Q. Did you see any officer put their knee in [REDACTED] back while he was being arrested?

A. No.

Affiant [REDACTED] Initials [REDACTED]

11

Q. Was any officer injured while making the arrest?

A. No.

(b)(6),(b)(7)(C) Q. Did [redacted] notify you or any other officer that he hurt his left Shoulder during the arrest? If so, who did he report it to?

A. He didn't report it to me and I am not aware of him reporting it to any of the other officers.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No, the officers used the minimum amount of force to secure [redacted]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Q. Was [redacted] on the operations target list?

A. Yes.

(b)(6),(b)(7)(C) Q. Which officer transported [redacted] to Chattanooga?

A. I don't recall which officer transported.

(b)(6),(b)(7)(C) Q. Which officer provided food to [redacted] in Chattanooga?

A. I wasn't there when he was fed.

(b)(6),(b)(7)(C) Q. Upon arriving in Chattanooga, do you know if the officer threw a hamburger (Sandwich) on the floor toward [redacted] while he was being fed?

A. No, I wasn't there when he was fed, but didn't hear of any officers throwing food.

(b)(6),(b)(7)(C) Q. Which officer processed [redacted] in Chattanooga? (I-213, etc.)

(b)(6),(b)(7)(C) A. [redacted]

(b)(6),(b)(7)(C) Q. What happened after [redacted] was processed in Chattanooga?

A. He was transported to Fort Payne, Alabama in DeKalb County Jail by DeKalb County Sheriff's Office.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) Affiant [redacted] Initials [redacted]

12

(b)(6),(b)(7)(C)

**END QUESTIONS REGARDING the arrest of** [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Fort Payne, Alabama on December 10, 2011.**

(b)(6),(b)(7)(C)

**SCOTTSBORO,**

**ALABAMA**

Q. Were you working on Saturday, December 9, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] Scottsboro, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. Yes, Officer [REDACTED] and I were conducting surveillance on the house. There were initially other officers at the house, but they left to check another address. We observed a Hispanic male, white female and two teenage children exit the residence and get into the vehicle. Officer [REDACTED] and I approached the vehicle and I began to speak to the driver who we identified as [REDACTED]. I explained to [REDACTED] that we were ICE Agents and we had a warrant for his arrest and asked him for any identification documents that he had. His wife produced a copy of the I-130 out of the glove box of the vehicle and she stated she had more paperwork in the house.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

I asked [REDACTED] and his wife if we could all go inside the residence to see the other documents that she claimed she had inside. Both [REDACTED] and his wife agreed and we all went into the residence. The [REDACTED] went inside first and then we followed. [REDACTED] sat on the couch, while his wife obtained copies of the immigration paperwork. She wasn't able to produce anything that offset our warrant so we explained that he was going to be taken into custody and transported to Chattanooga. At that time, he was placed in handcuffs and we exited the residence.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

A. [REDACTED] and I. Other officers may have shown up later, but we were the only ones in the residence.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant [REDACTED] Initials [REDACTED]

13

(b)(6),(b)(7)(C)



Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

(b)(6),(b)(7)(C) Q. Was there a deportation warrant for [REDACTED] from 1996?

A. Yes, it was issued April 29, 1997.

Q. Was there proper language communication between all parties?

(b)(6),(b)(7)(C) A. Yes, in English and Spanish. [REDACTED] and the two children spoke English.  
(b)(6),(b)(7)(C) [REDACTED] also spoke English and Spanish.

Q. Who opened the door to that residence?

(b)(6),(b)(7)(C) A. The [REDACTED] went in first, but I don't recall exactly which one it was.

Q. Upon opening the door, what was said?

A. The discussion took place outside the residence.

Q. Who gave authorization to enter that residence?

(b)(6),(b)(7)(C) A. Both of the [REDACTED]

(b)(6),(b)(7)(C) Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] If so, who prepared it?

A. Yes, I prepared it before the operation.

Q. Who is listed on the FOW as giving the authorization to enter that residence?  
Who witnessed?

A. It is not listed on the FOW, since he was encountered outside.

Q. Who gave the authorization to search the residence? Who witnessed?

A. We didn't search the residence.

(b)(6),(b)(7)(C) Q. Which officer escorted [REDACTED] to her bedroom to obtain her documents?

A. I don't recall taking her to the bedroom.

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED]

14 (b)(6),(b)(7)(C)

Q. Was any officer injured while making the arrest?

A. No, no injuries.

(b)(6),(b)(7)(C) Q. Was [REDACTED] on the operations target list?

A. Yes.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't recall.

(b)(6),(b)(7)(C) Q. Which officer provided food to [REDACTED] in Chattanooga?

A. I don't recall.

(b)(6),(b)(7)(C) Q. Do you know if the officer threw a hamburger (Sandwich) on the floor toward [REDACTED] while he was being fed?

A. I typically was not there when they were fed, so have no knowledge of that.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

A. I did.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to Fort Payne, AL in DeKalb County Jail by the DeKalb County Sheriff's Office.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) **END QUESTIONS REGARDING [REDACTED]**  
(b)(6),(b)(7)(C) **[REDACTED] SCOTTSBORO, ALABAMA**

(b)(6),(b)(7)(C) **Payne, AL**

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED]

15

(b)(6),(b)(7)(C)

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. Yes, we were originally looking for a target across the street in another trailer. When we knocked on the target location earlier, we could tell there were multiple occupants inside but they refused to come to the door. We began surveillance on the target location. While conducting surveillance, Officer [REDACTED] observed several occupants of the target trailer exit and go across the street into the trailer on Lot [REDACTED].

I arrived at Lot [REDACTED] exited my vehicle and was unable to locate or communicate with Officer [REDACTED]. At that time there were three adults outside the trailer on Lot [REDACTED]. I walked up to the individuals outside and began asking all of the adults about the people from the other trailer. They denied that anyone came across the street. At that time, one of the subjects began to run toward the trailer and I stopped him from returning into the trailer for officer safety concerns and the deception regarding the occupants from across the street. I placed the subject on the ground by grabbing him by the arm and handcuffed him. At this time, no other officers were present. I didn't notice any injuries and the subject, who was later identified as [REDACTED] didn't complain of any injuries.

After handcuffing [REDACTED] Officer [REDACTED] arrived and we continued to question the adults outside about the persons inside their trailer. We asked [REDACTED] questions regarding his immigration status and citizenship. It was determined that [REDACTED] was illegally in the United States and he was taken into custody.

We continued to question [REDACTED] and his wife about the targets from across the street and requested permission to enter the residence. [REDACTED] granted permission for us to enter the residence.

Officer [REDACTED] and I enter the residence with [REDACTED] his wife and [REDACTED]. We searched the residence, but were unable to locate our target. There were several adults and many children inside the residence. We began questioning the adult occupants of the trailer to figure out who lived there and who lived across the street. We determined that all the adult occupants lived in that trailer, but a group of the children were brought from the target trailer across the street and that the adult that brought them left the scene without our knowledge. We requested identification from all the adults in the residence.

Affiant [REDACTED] Initials [REDACTED]

16



(b)(6),(b)(7)(C)

[REDACTED] was also arrested at this location for not having proper documents and admitting to being in the United States illegally. Officers utilized prosecutorial discretion for all other adults at the trailer due to the number of minor children.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C)

A. [REDACTED] and I were the only two agents at the scene originally. [REDACTED] and [REDACTED] arrived toward the end as we were exiting the trailer.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Upon arriving at the address, who was the first person that was encountered?

(b)(6),(b)(7)(C)

A. I talked to them as a group because they were all three in the drive way, but I was probably closest to [REDACTED]

(b)(6),(b)(7)(C)

Q. [REDACTED] stated that before he could get back to his trailer two officers grabbed him and threw him to the ground right outside his front door of his trailer. [REDACTED] stated that when he hit the ground he cut his left cheek next to his eye on a board and was bleeding. Do you know if this occurred?

(b)(6),(b)(7)(C)

A. No, this is not a true statement. I subdued him by myself and he did not have any injuries, cuts and was not bleeding in any manner, nor did he complain of any injuries.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. [REDACTED] stated that after being handcuffed the officers then went into his residence. [REDACTED] stated that the officers came into his residence, and the male officers did the searching while the female officer stayed with him. [REDACTED] stated that the officers did not have permission to enter his residence. Do you know who gave the officers authorization to enter that residence?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. Yes, [REDACTED] gave permission to enter and search the residence for the target.

Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED]? If so, who prepared it?

(b)(6),(b)(7)(C)

A. No, he wasn't the target of the operation.

(b)(6),(b)(7)(C)

Affiant

Initials

17

(b)(6),(b)(7)(C)

Q. When the door opened, who went into the residence first? Who followed?

A. I don't remember who went in first.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked permission and it was granted by [REDACTED]

(b)(6),(b)(7)(C)

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No, [REDACTED] was not under duress and the consent was freely given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he lived at the residence.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, the I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. No.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, no one objected to our presence inside the trailer or our searches. Inside the house, they were all helpful in providing their documentation.

Q. Was [REDACTED] injured during the arrest?

A. No, nor did he complain of any injuries.

Q. Was any officer injured while making the arrest?

A. No.

Q. Did [REDACTED] notify you or any other officer that he hurt his cheek? If so, who did he report it to?

A. No he did not report it to me and I did not observe any cuts or bleeding from his cheek.

Affiant [REDACTED] Initials [REDACTED]

18

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the operations target list?

A. No.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't recall.

(b)(6),(b)(7)(C)

Q. Which officer provided food to [REDACTED] in Chattanooga?

A. I don't recall.

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a hamburger (Sandwich) on the floor toward [REDACTED] while he was being fed?

A. I'm not aware of any food being thrown.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

A. I did.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to Fort Payne, AL to DeKalb County Jail by the DeKalb County Sheriff's Office.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

**END QUESTIONS REGARDING** [REDACTED]

(b)(6),(b)(7)(C)

**FORT PAYNE, AL**

(b)(6),(b)(7)(C)

**FORT PAYNE,**  
**ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes, we were trying to locate a target of the operation, specifically [REDACTED]. We had narrowed it down to two trailers, but we weren't sure which one

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant

Initials

19

(b)(6),(b)(7)(C)



because they weren't well marked. One trailer appeared to be empty and we knocked on [REDACTED] which belonged to [REDACTED]. Officer [REDACTED] knocked on the door and I was running a vehicle plate on the corner. Before I could get the plate back, Officer [REDACTED] indicated that someone was opening the door and I came around to the door with Officer [REDACTED]. We explained to [REDACTED] that we were looking for someone that was using his address and we asked if we could enter to talk with him. [REDACTED] granted us permission to enter and to look around the residence for our target, so Officers [REDACTED], [REDACTED] and I entered. We were unable to locate our target. We showed a photo of our target to [REDACTED] and he said he did not know the target. We then talked with him regarding his immigration status. It was determined that he was illegally in the United States and was taken into custody.

Q. Who were all the officers present that day at that address?

A. Officers [REDACTED], [REDACTED] and [REDACTED]

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes, we have a couple of Officers that speak Spanish. I speak Spanish based on my Border Patrol training.

Q. Which officer knocked on the front door of the residence?

A. Officer [REDACTED]

Q. Do you know who opened the front door?

A. [REDACTED]

Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked for permission and it was granted by [REDACTED]

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No, he wasn't under duress or coercion and gave consent freely.

Affiant [REDACTED]

Initials [REDACTED]

20

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he was the occupant.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

(b)(6),(b)(7)(C) A. Yes, it indicated that [redacted] gave permission to enter the residence.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, he was the only occupant and he didn't object.

Q. Did you or any other officer see a photo of two females in a frame setting on a television set?

A. No, I do not recall seeing a photo.

Q. Did you or any officer make a comment about two young girls in a picture frame such as "that is two good looking pussies?"

A. No, no one on our team would make a comment like that. That is ridiculous.

Q. Did you or any other officer use the bathroom in [redacted] residence. (b)(6),(b)(7)(C)

A. I did not and I did not witness any other officer use the bathroom.

Q. Did you or any other officer say that you were going to take him to get fingerprints and then bring him back home?

A. No, we explained that he was under arrest and were going to take him for fingerprints, but never told him we would bring him back home.

Q. Was there a Filed Office Work (FOW) Sheet prepared for [redacted]? If (b)(6),(b)(7)(C) so, who prepared it?

A. No, he was not a target.

(b)(6),(b)(7)(C)

Affiant

Initials

21

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No injuries were reported or noticed.

(b)(6),(b)(7)(C)

Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. No, not that I recall.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. I do not know who transported him.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C)

A. Officer [REDACTED]

(b)(6),(b)(7)(C)

Q. Which officer fed [REDACTED] in Chattanooga?

A. I do not know who fed him.

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed?

(b)(6),(b)(7)(C)

A. I have no knowledge of any food being thrown.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to DeKalb County Jail by the DeKalb County Sheriff's Office.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list?

A. No.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**END QUESTIONS FOR [REDACTED]  
[REDACTED] FORT PAYNE, ALABAMA**

(b)(6),(b)(7)(C)

Affiant [REDACTED]

Initials [REDACTED]

22

(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**FORT PAYNE, ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A Yes, we were there to try to locate

Q. What happened after you arrived at that residence? Explain in detail.

(b)(6),(b)(7)(C)

A. As we arrived at the residence, I went around back to cover the back door and Officer [REDACTED] knocked on the front door. As soon as Officer [REDACTED] knocked on the front door, it sounded like major construction started inside the house, it was loud and there was banging noises coming from the kitchen/bedroom area. That went on for several minutes and then it got quiet.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Officer [REDACTED] contacted me over the radio that they had contact at the front door and was going inside. I covered the back door for a few more minutes and then walked around and entered through the front door. When I walked in Officer [REDACTED] was in the living room talking to an adult female and a juvenile female that was approximately 12 or 13 years old. Officer [REDACTED] indicated we had permission to search the residence and indicated the adult female stated that the target went out the back door when he was knocking on the front door. This could not be possible because I was standing at the back door during this time. I began to look around the residence between the kitchen and the back bedroom because that's where it sounded like the noises were coming from when I was outside the back door.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] was sitting at a table in the kitchen holding a baby and eating a few feet away from the furnace. I asked [REDACTED] in Spanish if he knew where [REDACTED] was, and he replied in Spanish that he didn't speak Spanish and he continued sitting at the table eating and holding the child.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

As I continued looking around, I eventually located [REDACTED] hiding inside an interior wall behind the furnace. This was where the noise was coming from. I pulled the furnace cover off and that is when I saw [REDACTED] hiding behind/inside the furnace. I instructed him to come out from behind the furnace and we had to assist him out through a fake door in the closet in the bedroom.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Upon requesting identification from the rest of the adults in the house, it was determined that [REDACTED] was illegally in the United States and was taken into custody along with [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

For the rest of the adults in the home we utilized prosecutorial discretion and left the other adults there to attend to the minor children at the residence.

(b)(6),(b)(7)(C)

Affiant

Initials

23

(b)(6),(b)(7)(C)

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C) A. Officers [REDACTED] and I.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes, we communicated in both English and Spanish.

Q. Which officer knocked on the front door of the residence?

(b)(6),(b)(7)(C) A. [REDACTED]

Q. Do you know who opened the front door?

A. No, I was around back.

Q. What happened after the front door was opened?

A. I don't know, I was around back.

(b)(6),(b)(7)(C) Q. Who gave the permission to enter the residence [REDACTED] Fort Payne, AL?

(b)(6),(b)(7)(C)

A. I don't know, I was around back.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. I do not have any knowledge of this, I was around back.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. I do not have any knowledge of this, I was around back.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. I do not have any knowledge of this, I was around back.

(b)(6),(b)(7)(C)

Affiant

Initials

24

(b)(6),(b)(7)(C)



Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes, the I-213 and the FOW for [REDACTED] identifies that [REDACTED] gave consent. The I-213 for [REDACTED] indicates that [REDACTED] gave consent as well.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, not to my knowledge.

Q. Did an officer speak with a 12 year old female named [REDACTED] If so, who was the officer and what was said?

A. I did not speak to her. I observed Officer [REDACTED] talking with a 12 year old female and her mother in the living room. What was said I don't know.

Q. Did an officer tell [REDACTED] not to lie to him, or he will take her and her whole family away?

A. No, I didn't hear that.

Q. Did [REDACTED] tell the officer where her father [REDACTED] was located? If so, what happened next?

A. I didn't hear any of the conversation between them. I found [REDACTED] through looking around the residence. But, she did not tell me where her father was.

Q. Did you see an officer verbally threaten the 12 year old female [REDACTED] by telling her she would be taken away if she lied?

A. No, I didn't witness anything like that.

Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED] and or [REDACTED]? If so, who prepared it?

A. There is an FOW for [REDACTED] created by Officer [REDACTED] before the operation. There was not an FOW for [REDACTED] as he was not the target.

Affiant [REDACTED]

Initials [REDACTED]

25



(b)(6),(b)(7)(C)

Q. Did [redacted] or [redacted] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No, no injuries were reported.

(b)(6),(b)(7)(C)

Q. Did [redacted] or [redacted] state that the handcuffs were placed on him too tight?

A. No, not to my knowledge.

(b)(6),(b)(7)(C)

Q. Which officer transported [redacted] and [redacted] to Chattanooga?

(b)(6),(b)(7)(C)

A. I don't know who transported them.

(b)(6),(b)(7)(C)

Q. Which officer processed [redacted] and [redacted] in Chattanooga?

(b)(6),(b)(7)(C)

A. Officer [redacted] processed both.

(b)(6),(b)(7)(C)

Q. Which officer fed [redacted] and [redacted] in Chattanooga?

A. I don't know who fed them.

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a Sandwich on the floor toward [redacted] or [redacted] when he was fed?

(b)(6),(b)(7)(C)

A. I have no knowledge of any food being thrown.

Q. What happened after the two were processed in Chattanooga?

A. They were transported to Fort Payne, AL to DeKalb County Jail by the DeKalb County Sheriff's Office.

(b)(6),(b)(7)(C)

Q. Was [redacted] and [redacted] on the target list?

A. [redacted] was on the target list. [redacted] was not.

Q. How many people were arrested from the residence that day?

A. Two.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

Affiant

Initials

26

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) **END QUESTIONS FOR** [REDACTED]  
(b)(6),(b)(7)(C) **ALABAMA.**

(b)(6),(b)(7)(C) **AND** [REDACTED]  
**FORT PAYNE,**

(b)(6),(b)(7)(C) [REDACTED]  
**ALABAMA**

**FORT PAYNE,**

Q. On December 11, 2011, during the operation, did you and other officers go to 1010 Sanders Avenue, NE, Fort Payne, Alabama? If so, what was the purpose?

A Yes, we were attempting to locate a target during the operation. This wasn't my case, but on the docket of another Officer and I don't recall who the target was at this time.

Q. What happened after you arrived at that residence? Explain in detail.

(b)(6),(b)(7)(C) A. We observed [REDACTED] in the back of the residence working on a car. There was an alley way behind the residence so there was access to the front and back by paved road. Officers [REDACTED] [REDACTED] and I approached [REDACTED] I walked around to the other side of the house to make sure no one else was outside while [REDACTED] and [REDACTED] stayed with [REDACTED] When I came back around, Officer [REDACTED] was checking [REDACTED] identification and running records check. Officer [REDACTED] was standing on the back porch with [REDACTED] We explained to [REDACTED] that we were looking for a female that lived at this address and asked him permission to enter the residence and look for this person in which he granted. He stated that he lived with his sister, but she was at work.

(b)(6),(b)(7)(C) At some point before we entered the residence the records checks came back that he had been previously removed. At that point we took him into custody. Officer [REDACTED], [REDACTED] [REDACTED] and I entered the residence. They stayed in the kitchen with [REDACTED] while I looked around the residence for the target. The target wasn't found and we exited the residence

(b)(6),(b)(7)(C) To my knowledge [REDACTED] never went inside the residence by himself after we encountered him. We were on the porch when we asked him if we could enter to look for our target.

I did not ever go inside the residence by myself, and as far as I know, no other officer entered by themselves as well.

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C) A. Officers [REDACTED] [REDACTED] and I.

(b)(6),(b)(7)(C) Affiant [REDACTED]

Initials [REDACTED]

27

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes, I spoke with him in Spanish which I learned from training with the Border Patrol.

Q. Who gave authorization to enter that residence? Was there Witnesses?

(b)(6),(b)(7)(C) A. [redacted] in the presence of Officer [redacted] and I.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked for permission which was granted by [redacted]

(b)(6),(b)(7)(C)

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No, he wasn't under any duress or coercion and gave permission freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he was the occupant.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. No.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

(b)(6),(b)(7)(C) A. No, [redacted] was the only resident there and never objected to us going inside.

(b)(6),(b)(7)(C)

Affiant

Initial

28

(b)(6),(b)(7)(C)



Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED]? If [REDACTED] (b)(6),(b)(7)(C)  
so, who prepared it?

A. No, an FOW wasn't prepared as he wasn't a target.

(b)(6),(b)(7)(C) Q. Did [REDACTED] reported any injury that he received during the arrest? If  
so, who was the officer he complained to?

A. No injuries were reported or observed.

(b)(6),(b)(7)(C) Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. No, not to my knowledge.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't know.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I do not know who fed him.

(b)(6),(b)(7)(C) Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] when he was fed?

A. I have no knowledge of any food being thrown.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to Fort Payne, AL to DeKalb County Jail by the DeKalb  
County Sheriff's Office.

(b)(6),(b)(7)(C) Q. Was [REDACTED] on the target list?

A. No.

Q. How many people were arrested from the residence that day?

A. One.

(b)(6),(b)(7)(C) Affiant [REDACTED]

Initials [REDACTED]

29 (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. No, nothing at this time.

**END QUESTIONS FOR [REDACTED]  
[REDACTED] FORT PAYNE, ALABAMA**

**ALABAMA and [REDACTED] FORT PAYNE,  
ALABAMA**

Q. On December 10, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. Yes, we were at [REDACTED] trying to locate the target [REDACTED]

Q. Explain what took place when you arrived at that residence?

A. We spoke to the owner of the residence and showed him the photo of [REDACTED] and told him that [REDACTED] was using his address. The name of the owner I do not recall at this time. The owner stated that [REDACTED] did not live there but that he knew where he lived and volunteered to take us there. We followed the owner of [REDACTED] to [REDACTED]

Shortly after arriving at [REDACTED] our target [REDACTED] pulled up in a vehicle along with his wife. Officer [REDACTED] spoke to [REDACTED] and I began to speak to [REDACTED]. I asked [REDACTED] about her citizenship and immigration status and she provided me with her Guatemalan identification card. I performed records checks on that card which indicated she had an outstanding immigration warrant. At that time she was taken into custody. [REDACTED] indicated that he had a new court hearing with the immigration judge and that his paperwork was inside the residence. We asked for permission to go with him inside the residence to retrieve the paperwork and he agreed to allow us to enter.

[REDACTED] Officer [REDACTED] and I entered the residence. Officer [REDACTED] stayed outside with [REDACTED]. While inside we also encountered their adult son who provided identification that he was [REDACTED]. I was only inside the house for a couple of minutes and Officer [REDACTED] and I switched places and I stayed outside with [REDACTED]

Affiant [REDACTED] Initials [REDACTED]

30

Q. Who were the officers present that day at that residence?

(b)(6),(b)(7)(C) A. Officers [redacted] and I.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes, English and Spanish were spoken.

Q. Who gave the permission to enter the residence [redacted]  
Were there any witnesses?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. [redacted] Yes, [redacted] and I were both standing there.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked for permission which was granted by [redacted]

(b)(6),(b)(7)(C)

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. He was not under duress and gave the permission freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he was the occupant.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

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Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, there was no objection to us being in the house and they provided the immigration documentation.

Q. Who opened the front door to the residence?

(b)(6),(b)(7)(C) A. [REDACTED]

Q. When the door opened, who went in the residence first? Who followed?

(b)(6),(b)(7)(C) A. I don't recall who went in first. Officer [REDACTED] [REDACTED] and I went in at the same time together. (b)(6),(b)(7)(C)

Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] If so, who prepared it?

A. No, she was not the target.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I do not know.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C) A. Officer [REDACTED]

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I do not know who fed her.

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] when she was fed?

A. I have no knowledge of any food being thrown.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. She was transported to DeKalb County Jail by the DeKalb County Sheriff's Office.

Q. Was anyone else arrested at that location along with [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Yes, her adult son [REDACTED]

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED]

(b)(6),(b)(7)(C)

Q. Did [REDACTED] or her son get injured during the arrest?

A. No, no injuries were observed or reported.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

**END QUESTIONS REGARDING** [REDACTED]

(b)(6),(b)(7)(C)

**FORT PAYNE, ALABAMA**

Q. Is there anything you would like to add to this statement?

A. No, not at this time.

I have read the foregoing statement consisting of 33 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 23 day of February 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

[REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

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# EXHIBIT 12



# Enforcement and Removal Operations Field Operations Worksheet



U.S. Immigration  
and Customs  
Enforcement

|                                |                                                              |
|--------------------------------|--------------------------------------------------------------|
| Case Officer: (b)(6),(b)(7)(C) |                                                              |
| Name: (b)(6),(b)(7)(C)         | AKA:                                                         |
| Country of Citizenship: Mexico |                                                              |
| File Number: (b)(6),(b)(7)(C)  | Sex: M Date of Birth: (b)(6),(b)(7)(C) Age: (b)(6),(b)(7)(C) |
| Height: Unk                    | Weight: Unk Eyes: Brown Hair: Black                          |
| Complexion: Med                | Scars, Marks and/or Tattoos:                                 |
| FBI Number: None               | Social Security Number: None SID: None                       |
| Driver License Number: None    | Issuing State: N/A                                           |
| Vehicles: Unk                  | Spouse: Unk                                                  |
| Immigration History (b)(7)(E)  | EOIR Contacted: Yes                                          |
| CIS: (b)(7)(E)                 | IJ DEC/DATE: 04/29/1997                                      |
| VD Exp Date:                   | BIA Dec/Date: VD Exp Date:                                   |
| Other Litigation: (b)(7)(E)    |                                                              |
| <b>CRIMINAL HISTORY</b>        |                                                              |
| 1. Fugitive Alien              |                                                              |
| 2.                             |                                                              |
| 3.                             |                                                              |
| 4.                             |                                                              |
| 5.                             |                                                              |
| 6.                             |                                                              |
| <b>LAST KNOWN ADDRESS</b>      |                                                              |
| Address: (b)(6),(b)(7)(C)      |                                                              |
| City: Scottsboro               | State: AL                                                    |
| Telephone Number:              |                                                              |
| Secondary Address:             |                                                              |
| Employment:                    |                                                              |
| <b>PHOTO</b>                   |                                                              |
| No Photo Available             |                                                              |

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**SITUATION / MISSION / INVESTIGATIVE LEADS**

Record checks indicate that the subject appears to reside at above address. Subject has no applications for relief pending. No warrants and no conflicts with HSI.

**EQUIPMENT / CLOTHING**

(b)(7)(E)

|                  |                  |         |                 |                  |                 |                  |
|------------------|------------------|---------|-----------------|------------------|-----------------|------------------|
| (b)(6),(b)(7)(C) | (b)(6),(b)(7)(C) | Team: 1 | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
| (b)(6),(b)(7)(C) | (b)(6),(b)(7)(C) | Team:   | Officer/Agency: |                  | Officer/Agency: |                  |
|                  |                  |         | Officer/Agency: |                  | Officer/Agency: |                  |
|                  |                  |         | Officer/Agency: |                  | Officer/Agency: |                  |

**COMMUNICATIONS**

|           |          |            |                  |
|-----------|----------|------------|------------------|
| Type:     | Channel: | Frequency: | Team/Individual: |
| (b)(7)(E) |          | local      |                  |

**LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED**

|         |               |       |          |            |         |
|---------|---------------|-------|----------|------------|---------|
| Agency: | Scottsboro PD | Name: | Dispatch | Telephone: | 256-574 |
| Agency: |               | Name: |          | Telephone: |         |
| Agency: |               | Name: |          | Telephone: |         |

**EMERGENCY MEDICAL SERVICES/TRAUMA CENTER**

|           |                                             |            |  |
|-----------|---------------------------------------------|------------|--|
| Name:     | EMS will determine based on level of trauma | Telephone: |  |
| Location: |                                             |            |  |
| Name:     |                                             | Telephone: |  |
| Location: |                                             |            |  |

|                    |                           |                                          |                               |
|--------------------|---------------------------|------------------------------------------|-------------------------------|
| Date of Operation: | Time of Operation:        | Justification for After Hours Operation: |                               |
| 11/29/2011         | 0600                      |                                          |                               |
| Supervisor:        | (b)(7)(E)                 | FOD/DFOD/AFOD Approval                   |                               |
| CONSENT            | Name of Consent Provider: | Scope of Consent:                        | Time Consent Granted:         |
| CONSENT            | Witness to Consent:       | Time Search Completed:                   | Time If Consent is Withdrawn: |
| RESULTS            | Date of Arrest:           | Location of Arrest:                      | Additional Information:       |
|                    | 2-9-11                    | (b)(6),(b)(7)(C)                         |                               |

Enforcement and Removal Operations  
Field Operations Worksheet



U.S. Immigration  
and Customs  
Enforcement

|                           |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
|---------------------------|-------------------------|-----------------------------------------|------------------------------|------|----------------------|------------------|-------|-----|------------------|------------------|
| (b)(6),(b)(7)(C)          | Case Officer:           |                                         |                              |      |                      |                  |       |     |                  |                  |
| (b)(6),(b)(7)(C)          | Name:                   |                                         |                              | AKA: | None                 |                  |       |     |                  |                  |
|                           | Country of Citizenship: | El Salvador                             |                              |      |                      |                  |       |     |                  |                  |
| (b)(6),(b)(7)(C)          | File Number:            |                                         | Sex:                         | M    | Date of Birth:       |                  | Age:  | 43  | (b)(6),(b)(7)(C) |                  |
|                           | Height:                 | 68                                      | Weight:                      | 160  | Eyes:                | BRO              | Hair: | BLK |                  |                  |
|                           | Complexion:             | Med                                     | Scars, Marks and/or Tattoos: |      |                      |                  | None  |     |                  |                  |
| (b)(6),(b)(7)(C)          | FBI Number:             |                                         | Social Security Number:      |      |                      | SID:             | None  |     |                  | (b)(6),(b)(7)(C) |
| (b)(6),(b)(7)(C)          | Driver License Number:  |                                         | Issuing State:               |      | Alabama              |                  |       |     |                  |                  |
|                           | Vehicles:               | BMW, Mazda(green), Ford Explorer(white) |                              |      | Spouse:              | None             |       |     |                  |                  |
|                           | Immigration History     | (b)(7)(E)                               |                              |      | EOIR Contacted: yes  |                  |       |     |                  |                  |
| (b)(7)(E)                 |                         | (b)(7)(E)                               |                              |      | IJ DEC/DATE: 4/18/95 |                  |       |     |                  |                  |
|                           | VD Exp Date: none       | BIA Dec/Date: none                      |                              |      | VD Exp Date: none    |                  |       |     |                  |                  |
|                           | Other Litigation:       | (b)(7)(E)                               |                              |      |                      |                  |       |     |                  |                  |
| <b>CRIMINAL HISTORY</b>   |                         |                                         |                              |      |                      | <b>PHOTO</b>     |       |     |                  |                  |
| 1.                        | B&B                     |                                         |                              |      |                      | (b)(6),(b)(7)(C) |       |     |                  |                  |
| 2.                        |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| 3.                        |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| 4.                        |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| 5.                        |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| 6.                        |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| <b>LAST KNOWN ADDRESS</b> |                         |                                         |                              |      |                      | (b)(6),(b)(7)(C) |       |     |                  |                  |
| (b)(6),(b)(7)(C)          | Address:                |                                         |                              |      |                      |                  |       |     |                  |                  |
| City:                     | Fort Payne              |                                         | State:                       | AL   |                      |                  |       |     |                  |                  |
| Telephone Number:         |                         |                                         |                              |      |                      |                  |       |     |                  |                  |
| (b)(6),(b)(7)(C)          | Secondary Address:      |                                         |                              |      |                      |                  |       |     |                  |                  |
|                           | Fort Payne, AL          |                                         |                              |      |                      |                  |       |     |                  |                  |
|                           | Employment:             | None                                    |                              |      |                      |                  |       |     |                  |                  |

(b)(6),(b)(7)(C)

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**SITUATION / MISSION / INVESTIGATIVE LEADS**

Records checks were conducted and subject appears to reside at the above address. Subject is a final order of removal and has no applications for relief pending at this time, which would stop removal. (b)(7)(E)  
Criminal history includes only immigration. (b)(7)(E)

**EQUIPMENT / CLOTHING**

(b)(7)(E)

|       |   |                 |  |                 |  |
|-------|---|-----------------|--|-----------------|--|
| Team: | A | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
| Team: |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**COMMUNICATIONS**

|           |          |            |                  |
|-----------|----------|------------|------------------|
| Type:     | Channel: | Frequency: | Team/Individual: |
| (b)(7)(E) |          | Local      | Team             |

**LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED**

|         |               |       |          |            |         |
|---------|---------------|-------|----------|------------|---------|
| Agency: | Fort Payne PD | Name: | Dispatch | Telephone: | 256-845 |
| Agency: | Scottsboro PD | Name: | Dispatch | Telephone: | 256-574 |
| Agency: |               | Name: |          | Telephone: |         |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**EMERGENCY MEDICAL SERVICES/TRAUMA CENTER**

|           |            |     |
|-----------|------------|-----|
| Name:     | Telephone: | 911 |
| Location: |            |     |
| Name:     | Telephone: |     |
| Location: |            |     |

|                    |                                     |                                          |
|--------------------|-------------------------------------|------------------------------------------|
| Date of Operation: | Time of Operation:                  | Justification for After Hours Operation: |
| 12/09/2011         | 0600                                |                                          |
| Supervision:       | FOD/DFOD/AFOD Approval              |                                          |
| CONSENT            | Order: Scope of Consent:            | Time Consent Granted:                    |
| CONSENT            | Witness to Consent: Time Completed: | Time If Consent is Withdrawn:            |
| RESULTS            | Date of Arrest:                     | Location of Arrest:                      |
|                    | 12/10/11                            | Reddy                                    |
|                    |                                     | Additional Information:                  |

(b)(6),(b)(7)(C)

Enforcement and Removal Operations  
Field Operations Worksheet



U.S. Immigration  
and Customs  
Enforcement

|                           |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
|---------------------------|-------------------------|---------------------------------------------|---------|------------------------------|-------------------------|----------------|----------------------|------|------|------|--------------|------------------|------------------|
| (b)(6),(b)(7)(C)          | Case Officer:           |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| (b)(6),(b)(7)(C)          | Name:                   |                                             |         |                              |                         | AKA:           | None                 |      |      |      |              |                  |                  |
|                           | Country of Citizenship: | Guatemala                                   |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| (b)(6),(b)(7)(C)          | File Number:            |                                             |         | Sex:                         | M                       | Date of Birth: |                      |      | Age: | 35   |              | (b)(6),(b)(7)(C) |                  |
|                           | Height:                 | Unk                                         | Weight: | Unk                          | Eyes:                   | BRO            | Hair:                | BLK  |      |      |              |                  |                  |
|                           | Complexion:             | Med                                         |         | Scars, Marks and/or Tattoos: |                         |                |                      |      | None |      |              |                  |                  |
|                           | FBI Number:             | None                                        |         |                              | Social Security Number: |                |                      |      |      | SID: | None         | (b)(6),(b)(7)(C) |                  |
|                           | Driver License Number:  | None                                        |         |                              | Issuing State:          |                |                      | None |      |      |              |                  |                  |
|                           | Vehicles:               | Montero, Toyota PU, Chevy Venture, Colorado |         |                              |                         |                | Spouse:              |      |      |      |              |                  | (b)(6),(b)(7)(C) |
|                           | Immigration History     | (b)(7)(E)                                   |         |                              |                         |                | EOIR Contacted: yes  |      |      |      |              |                  |                  |
|                           |                         | (b)(7)(E)                                   |         |                              |                         |                | IJ DEC/DATE: 3/11/99 |      |      |      |              |                  |                  |
|                           | VD Exp Date: none       | BIA Dec/Date: none                          |         |                              |                         |                | VD Exp Date: none    |      |      |      |              |                  |                  |
| (b)(7)(E)                 | Other Litigation:       | (b)(7)(E)                                   |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| <b>CRIMINAL HISTORY</b>   |                         |                                             |         |                              |                         |                |                      |      |      |      | <b>PHOTO</b> |                  |                  |
| 1. B&B                    |                         |                                             |         |                              |                         |                |                      |      |      |      | <b>NONE</b>  |                  |                  |
| 2.                        |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| 3.                        |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| 4.                        |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| 5.                        |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| 6.                        |                         |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| <b>LAST KNOWN ADDRESS</b> |                         |                                             |         |                              |                         |                |                      |      |      |      | <b>NONE</b>  |                  |                  |
| (b)(6),(b)(7)(C)          | Address:                |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
|                           | City:                   | Rainsville                                  |         |                              | State:                  | AL             |                      |      |      |      |              |                  |                  |
|                           | Telephone Number:       |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
| (b)(6),(b)(7)(C)          | Secondary Address:      |                                             |         |                              |                         |                |                      |      |      |      |              |                  |                  |
|                           | Employment:             | None                                        |         |                              |                         |                |                      |      |      |      |              |                  |                  |

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**SITUATION / MISSION / INVESTIGATIVE LEADS**

Records checks were conducted and subject appears to reside at the above address. Subject is a final order of removal and has no applications for relief pending at this time, which would stop removal. (b)(7)(E)

(b)(7)(E) Criminal history includes only immigration. (b)(7)(E)

**EQUIPMENT / CLOTHING**

(b)(7)(E)

|       |   |                 |  |                 |  |
|-------|---|-----------------|--|-----------------|--|
| Team: | A | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
| Team: |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |
|       |   | Officer/Agency: |  | Officer/Agency: |  |

**COMMUNICATIONS**

|           |          |            |                  |
|-----------|----------|------------|------------------|
| Type:     | Channel: | Frequency: | Team/Individual: |
| (b)(7)(E) |          | Local      | Team             |

**LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED**

|         |               |       |          |            |         |
|---------|---------------|-------|----------|------------|---------|
| Agency: | Rainsville PD | Name: | Dispatch | Telephone: | 256-638 |
| Agency: | Fort Payne PD | Name: | Dispatch | Telephone: | 256-845 |
| Agency: |               | Name: |          | Telephone: |         |

**EMERGENCY MEDICAL SERVICES/TRAUMA CENTER**

|           |  |            |     |
|-----------|--|------------|-----|
| Name:     |  | Telephone: | 911 |
| Location: |  |            |     |
| Name:     |  | Telephone: |     |
| Location: |  |            |     |

Date of Operation: 12/09/2011 Time of Operation: 0600 Justification for After Hours Operation:

Supervisor: SDDO FOD/DFOD/AFOD Approval

Consent: Enter Search 0635 Time Consent Granted:

Consent: 0630 Time Search Completed: N/A Time If Consent is Withdrawn:

RESULTS Date of Arrest: 12/11/11 Location of Arrest: Residence Additional Information: N/A



UNITED STATES DEPARTMENT OF JUSTICE  
DETENTION AND REMOVAL OPERATIONS  
FUGITIVE OPERATIONS  
FIELD OPERATIONS WORKSHEET

(b)(6),(b)(7)(C)  
Case Officer: [REDACTED]

FUGITIVE

(b)(6),(b)(7)(C) Name: [REDACTED] AKA: NONE Country of Citizenship: GUATEMALA

(b)(6),(b)(7)(C) File Number: [REDACTED] Sex: M Date of Birth: [REDACTED] Age: 34 (b)(6),(b)(7)(C)

Height: (b)(6),(b)(7)(C)

Scars, Marks and/or Tattoos: NONE

FBI Number: NONE

Social Security Number: [REDACTED]

SID: NONE (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Driver License Number: [REDACTED]

Issuing State: AL

Vehicles: UNK

Spouse: UNK

Immigration History

(b)(7)(E)

(b)(7)(E)

EOIR Contacted: Yes

IJ DEC/DATE: 04/02/2008

VD Exp Date: NONE

BIA Dec/Date: 11/25/2008 DISMISS APPEAL AFFIRM I.I

FINS#: NONE

Other Litigation:

(b)(7)(E)

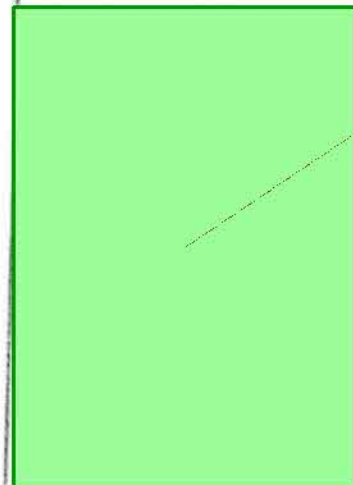
(b)(7)(E)

NONE

... CRIMINAL HISTORY ...

PHOTO

1. Fugitive Alien
2. DRIVING WITH NO LICENSE
3. TRAFFIC VIOLATIONS
- 4.
- 5.
- 6.



.. LAST KNOWN ADDRESS ..

(b)(6),(b)(7)(C) Address: [REDACTED]  
(b)(6),(b)(7)(C) City: FORT PAYNE AL 35967

Telephone Number:

Unknown

OTHER ADDRESSES:

(b)(6),(b)(7)(C) [REDACTED]

.. SITUATION / MISSION / INVESTIGATIVE LEADS ..

Records checks were conducted and subject appears to reside at the above address. Subject has a final order of removal (04/02/2008) and no apparent open applications at this time that would stop removal. (b)(7)(E) conflict with ICE OI or any other agencies. EOIR contacted on 09/30/09 states "IJ ordered removal on 04/02/2008. No New Hearing. BIA dismissed case on 11/25/2008". BIA dismissed appeal and affirmed IJ's decision of REMOVE.

.. EQUIPMENT / CLOTHING ..

(b)(7)(E)

(b)(7)(E)

Contact/ Door

Cover/ Perimeter

|                  |          |                 |                  |                 |                  |
|------------------|----------|-----------------|------------------|-----------------|------------------|
| (b)(6),(b)(7)(C) | Team: I  | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |          | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |          | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
| (b)(6),(b)(7)(C) | Team: II | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: |                  |
|                  |          | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: |                  |
|                  |          | Officer/Agency: |                  | Officer/Agency: |                  |

.. COMMUNICATIONS ..

Type: (b)(7)(E)

Frequency: Local

Team/Individual:

.. LAW ENFORCEMENT NOTIFICATION ..

|         |               |       |          |            |                          |
|---------|---------------|-------|----------|------------|--------------------------|
| Agency: | FORT PAYNE PD | Name: | Dispatch | Telephone: | 205-845 (b)(6),(b)(7)(C) |
| Agency: |               | Name: | Dispatch | Telephone: |                          |
| Agency: |               | Name: |          | Telephone: |                          |

.. EMERGENCY MEDICAL SERVICES ..

|           |                                              |  |  |            |     |
|-----------|----------------------------------------------|--|--|------------|-----|
| Name:     | EMS will determine based on level of Trauma. |  |  | Telephone: | 911 |
| Location: |                                              |  |  |            |     |
| Name:     |                                              |  |  | Telephone: |     |
| Location: |                                              |  |  |            |     |

Date of Operation: Time of Operation: 0600 Justification for After Hours Operation:

Supervisory Concurrence: (b)(6),(b)(7)(C) Assistant Field Office Director Approval:

RESULTS

Date of Arrest: 11-11-11

Location of Arrest: Reg. det.

Consent to Enter by: (b)(6),(b)(7)(C)

**Enforcement and Removal Operations**  
**Field Operations Worksheet**

**FUGITIVE**



**U.S. Immigration  
and Customs  
Enforcement**

|                                        |                                      |                              |                  |
|----------------------------------------|--------------------------------------|------------------------------|------------------|
| Case Officer: [REDACTED]               |                                      |                              |                  |
| Name: [REDACTED]                       | AKA: NONE                            |                              |                  |
| Country of Citizenship: HONDURAS       |                                      |                              |                  |
| File Number: [REDACTED]                | Sex: F                               | Date of Birth: [REDACTED] 43 | (b)(6),(b)(7)(C) |
| Height: (b)(6),(b)(7)(C)               | FINS# [REDACTED]                     |                              | (b)(6),(b)(7)(C) |
| Complexion: MED                        | Scars, Marks and/or Tattoos: UNKNOWN |                              |                  |
| FBI Number: NONE                       | Social Security Number: [REDACTED]   | SID: NONE                    | (b)(6),(b)(7)(C) |
| Driver License Number: NONE            | Issuing State: NONE                  |                              |                  |
| Vehicles: UNKNOWN                      | Spouse: UNKNOWN                      |                              |                  |
| Immigration History (b)(7)(E)          | (b)(7)(E)                            | EOIR Contacted: YES          |                  |
| (b)(7)(E)                              | (b)(7)(E)                            | IJ DEC/DATE: 01/12/2004      |                  |
| VD Exp Date: NONE                      | BIA Dec/Date: NONE                   | VD Exp Date: NONE            |                  |
| Other Litigation: NONE FOUND           | (b)(7)(E)                            |                              |                  |
| <b>CRIMINAL HISTORY</b>                |                                      | <b>PHOTO</b>                 |                  |
| 1.                                     | FUGITIVE ALIEN                       | SEE FILE                     |                  |
| 2.                                     | BP ARREST                            |                              |                  |
| 3.                                     |                                      |                              |                  |
| 4.                                     |                                      |                              |                  |
| 5.                                     |                                      |                              |                  |
| 6.                                     |                                      |                              |                  |
| <b>LAST KNOWN ADDRESS</b>              |                                      |                              |                  |
| Address: [REDACTED]                    |                                      |                              |                  |
| City: FORT PAYNE                       | STATE AL 35967                       |                              |                  |
| Telephone Number: UNK                  |                                      |                              |                  |
| Secondary Address: [REDACTED] AL 35903 |                                      |                              |                  |
| Employment: UNKNOWN                    |                                      |                              |                  |



**SITUATION / MISSION / INVESTIGATIVE LEADS**

Records checks were conducted and subject appears to reside at the above address. Subject has a final order of removal and no apparent open applications at this time that would stop removal. (b)(7)(E)  
HSI nor any other agencies. EOIR contacted on 12/07/2011 states: "IJ ordered removal on 01/12/2004. No New Hearing." (b)(7)(E)

(b)(7)(E)

|                  |         |                 |                  |                 |                  |
|------------------|---------|-----------------|------------------|-----------------|------------------|
| (b)(6),(b)(7)(C) | Team: 1 | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
|                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: | (b)(6),(b)(7)(C) |
| (b)(6),(b)(7)(C) | Team: 1 | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: |                  |
|                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: |                  |
|                  |         | Officer/Agency: | (b)(6),(b)(7)(C) | Officer/Agency: |                  |

**COMMUNICATIONS**

|           |          |            |                  |
|-----------|----------|------------|------------------|
| Type:     | Channel: | Frequency: | Team/Individual: |
| (b)(7)(E) |          | LOCAL      |                  |

**LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED**

|         |               |       |  |            |                          |
|---------|---------------|-------|--|------------|--------------------------|
| Agency: | FORT PAYNE PD | Name: |  | Telephone: | 256-845-(b)(6),(b)(7)(C) |
| Agency: |               | Name: |  | Telephone: |                          |
| Agency: |               | Name: |  | Telephone: |                          |

**EMERGENCY MEDICAL SERVICES/TRAUMA CENTER**

|           |                                   |            |  |
|-----------|-----------------------------------|------------|--|
| Name:     | EMS WILL DETERMINE BASED ON LEVEL | Telephone: |  |
| Location: | OF TRAUMA                         |            |  |
| Name:     |                                   | Telephone: |  |
| Location: |                                   |            |  |

|                          |                           |                                          |                               |
|--------------------------|---------------------------|------------------------------------------|-------------------------------|
| Date of Operation:       | Time of Operation:        | Justification for After Hours Operation: |                               |
| 12/07/2011+              | AFTER 0600                | N/A                                      |                               |
| Supervisory Concurrence: | SODO                      | FOD/DFOD/AFOD Approval                   |                               |
| CONSENT                  | Name of Consent Provider: | Scope of Consent:                        | Time Consent Granted:         |
| CONSENT                  | Witness to Consent:       | Time Search Completed:                   | Time If Consent is Withdrawn: |
| RESULTS                  | Date of Arrest:           | Location of Arrest:                      | Additional Information:       |

|                                  |                                                           |                                       |                        |
|----------------------------------|-----------------------------------------------------------|---------------------------------------|------------------------|
| Person ID: [REDACTED]            | Sex: F DOB: [REDACTED]                                    | Current Age: 44 COS: HONDU CDC: HONDU | Final Order of Removal |
| Subject ID: [REDACTED]           | Processing Disposition: Notice to Appear Released (I-882) |                                       |                        |
| Case #: [REDACTED]               | Case Category: [REDACTED] Docket: BHM - FugOps 281-500    |                                       |                        |
| Final Order of Removal: Yes      | Time in Custody: N/A                                      | Special Class:                        |                        |
| Final Order Date: 01/12/2004     | Depart / Cleared Status: ACTIVE                           |                                       |                        |
| Proceed With Removal: No         |                                                           |                                       |                        |
| Days Final Order in Effect: 3045 |                                                           |                                       | No Photo               |

## Comments

|                                          |                                                |
|------------------------------------------|------------------------------------------------|
| <b>FILTER BY COMMENT TYPE</b>            | <b>SHOW / HIDE DELETED COMMENTS</b>            |
| <input checked="" type="checkbox"/> EARM | <input type="checkbox"/> Show Deleted Comments |
| <input type="checkbox"/> EADM            |                                                |
| <input type="checkbox"/> ATD             |                                                |
| <b>FILTER BY ENTERED DATE</b>            |                                                |
| -- All Dates --                          |                                                |

All of the following comments are related to Case # [REDACTED]  
Results: 8 total

| Date Entered        | Entered By | Type | Comments                                                                                                                      |
|---------------------|------------|------|-------------------------------------------------------------------------------------------------------------------------------|
| 02/08/2012 02:19 PM | [REDACTED] | EARM | ADDRESS [REDACTED] FT PAYNE, AL NO GOOD. SUBJECT DOES NOT WORK AT [REDACTED] UNDER NAME [REDACTED] FINGERPRINTS CONFIRM THIS. |
| 12/02/2011 01:01 PM | [REDACTED] | EARM | WORK FILE STARTED BY BHM FUG OPS [REDACTED]                                                                                   |
| 08/09/2008 08:44 PM | EARM       | EARM | IS RELATED TO A FILE [REDACTED] RELATIONSHIP TO ALIEN CHILD                                                                   |
| 08/09/2008 08:44 PM | EARM       | EARM | IS RELATED TO A FILE [REDACTED] RELATIONSHIP TO ALIEN CHILD                                                                   |
| 08/08/2008 03:01 PM | EARM       | EARM | FILE LOCATION: LESC                                                                                                           |
| 08/09/2008 02:47 PM | EARM       | EARM | 08/13/2004, FORWARD FILE TO ATL/DRO FOR LOCAL B&B TEAM TO LOCATE SUBJECT.                                                     |
| 08/08/2008 02:18 PM | EARM       | EARM | 01/12/04, IJ ORDERED SUBJECT REMOVED IN ABSENTIA. 06/04/04, I-186 MAILED TO SUBJECT; FILE TO I-161 [REDACTED]                 |
| 08/09/2008 02:14 PM | EARM       | EARM | 08/01/2003 FILE TO TA'S FOR REVIEW RIDING WITH [REDACTED] FILE [REDACTED]                                                     |

### Comment Type Legend

EARM: Case comments entered in the EARM system.  
EADM: Detention comments entered in the EADM system.  
ATD: Alternatives to Detention comments entered in the EARM system.

5/14/2012

2014FOIA01578 005933

# EXHIBIT 13



## Record of Deportable/Inadmissible Alien

| First                                                                                                                                                                                                                                                                                                  |  | Middle                                                                                                                                                 |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Country of Citizenship<br><b>MEXICO</b>                                                                                                                                                                                                                                                                |  | Passport Number and Country of Issue                                                                                                                   |                                        |
| U.S. Address<br><b>LOUISIANA, 71463,</b>                                                                                                                                                                                                                                                               |  | Date, Place, Time, and Number of Last Entry<br><b>Unknown Date, Unknown Time, UNK</b>                                                                  |                                        |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                              |  | Passenger Boarded at                                                                                                                                   |                                        |
| Age: <b>38</b>                                                                                                                                                                                                                                                                                         |  | Date of Action<br><b>12/09/2011</b>                                                                                                                    | Location Code<br><b>NOL/BHM</b>        |
| City, Province (State) and Country of Birth<br><b>SAN MARTIN DE HIGALGO, JALISCO, MEXICO</b>                                                                                                                                                                                                           |  | Form: (Type and No.) <input checked="" type="checkbox"/> AR <input type="checkbox"/> Form <input type="checkbox"/> Not Lifted <input type="checkbox"/> |                                        |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                        |  | Social Security Account Name                                                                                                                           |                                        |
| Date Visa Issued                                                                                                                                                                                                                                                                                       |  | Social Security Number                                                                                                                                 |                                        |
| Immigration Record<br><b>NEGATIVE - See Narrative</b>                                                                                                                                                                                                                                                  |  | Criminal Record<br><b>None Known</b>                                                                                                                   |                                        |
| Name of Spouse (Maiden Name, if Appropriate)                                                                                                                                                                                                                                                           |  | Number and Nationality of Minor Children<br><b>3, USC</b>                                                                                              |                                        |
| Address, if Known<br><b>MEXICO</b>                                                                                                                                                                                                                                                                     |  | and Maiden Names, Nationality, and Address, if Known<br><b>NATIONALITY: MEXICO</b>                                                                     |                                        |
| Monies Due/Property in U.S. Not in Immediate Possession<br><b>None Claimed</b>                                                                                                                                                                                                                         |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                     | Systems Checks<br><b>See Narrative</b> |
| Name and Address of (Last) Current U.S. Employer                                                                                                                                                                                                                                                       |  | Type of Employment                                                                                                                                     | Salary<br><b>I6A</b>                   |
| Employed from/to<br><b>HR</b>                                                                                                                                                                                                                                                                          |  |                                                                                                                                                        |                                        |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |                                                                                                                                                        |                                        |
| FINS: <b>(b)(7)(E)</b>                                                                                                                                                                                                                                                                                 |  | Left Index fingerprint                                                                                                                                 |                                        |
| Right Index fingerprint                                                                                                                                                                                                                                                                                |  |                                                                                                                                                        |                                        |
| Record of Deportable/Excludable Alien:<br>... (CONTINUED ON I-831)                                                                                                                                                                                                                                     |  |                                                                                                                                                        |                                        |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                     |  | (Date/Initials)                                                                                                                                        |                                        |
| Distribution:                                                                                                                                                                                                                                                                                          |  | Received: (Subject and Documents) (Report of Interview)                                                                                                |                                        |
|                                                                                                                                                                                                                                                                                                        |  | Officer: <b>(b)(7)(E)</b>                                                                                                                              |                                        |
|                                                                                                                                                                                                                                                                                                        |  | on: <b>December 9, 2011 at 1200</b> (time)                                                                                                             |                                        |
|                                                                                                                                                                                                                                                                                                        |  | Disposition: <b>Bag and Baggage</b>                                                                                                                    |                                        |
|                                                                                                                                                                                                                                                                                                        |  | Examining Officer: <b>(b)(7)(E)</b>                                                                                                                    |                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------|
| Alien's Name<br>(b)(6), (b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | File Number<br>(b)(6), (b)(7)(C) | Date<br>12/09/2011           |
| Event No: (b)(6), (b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                  |                              |
| <p>Subject was encountered by Birmingham Fugitive Operations outside of his residence, (b)(6), (b)(7)(C) Scottsboro, AL. The team was in the area as part of Operation Crosscheck. The subject is an ICE fugitive and was the target of the team's investigation. When questioned, the subject stated that he was a citizen of Mexico and that he did not have immigration documents allowing him to be in the United States. His wife produced a receipt from CIS indicated that she recently filed an I-130. The subject was taken into custody and transported to the Chattanooga ICE Office for processing. Record checks indicate that the Immigration Judge ordered the subject removed from the US in absentia on 04/29/1997. The subject failed to depart the US as ordered and is considered an ICE fugitive. The subject is being held in ICE custody pending removal from the US. He is in good health and not taking any medication. He was able to contact his wife via telephone while in custody.</p> |                                  |                              |
| Signature<br>(b)(6), (b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (b)(6), (b)(7)(C)                | Title<br>Deportation Officer |

2 of 2 Pages

|                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|--------|--------------------------------------------------------------------|--------------------------|-------------------------------------------------|--------------|
| Family Name (CARS)                                                                                                                                                                                                                                                                                                      |  | First                                                                                                                           | Middle | Sex<br>M                                                           | Hair<br>BLK              | Eyes<br>BRO                                     | Cnspn<br>MED |
| Country of Citizenship<br>GUATEMALA                                                                                                                                                                                                                                                                                     |  | Passport Number and Country of Issue                                                                                            |        | Height<br>66                                                       | Weight<br>145            | Occupation                                      |              |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                        |  | LOUISIANA, 71463,                                                                                                               |        | Scars and Marks                                                    |                          |                                                 |              |
| Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                                                                                         |  | Passenger Boarded at                                                                                                            |        | (b)(7)(E)                                                          |                          |                                                 |              |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                                               |  | Age: 32                                                                                                                         |        | Date of Action<br>12/10/2011                                       | Location Code<br>NOL/BHM |                                                 |              |
| City, Province (State) and Country of Birth<br>SAN MIGUEL, OTR, GUATEMALA                                                                                                                                                                                                                                               |  | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |        | At/Near<br>Fort Payne, AL                                          |                          | Date/Time<br>12/10/2011 0800                    |              |
| MV Fearing Post and NIV Number                                                                                                                                                                                                                                                                                          |  | Social Security Account Name                                                                                                    |        | (b)(6),(b)(7)(C)                                                   |                          | Status at Entry<br>PWA Mexico                   |              |
| Date Visa Issued                                                                                                                                                                                                                                                                                                        |  | Social Security Number                                                                                                          |        | Status When Found<br>TRAVEL/SEEKING                                |                          | Length of Time Illegally in U.S.<br>OVER 1 YEAR |              |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                          |  | Criminal Record<br>None Known                                                                                                   |        | Number and Nationality of Minor Children<br>3, USC                 |                          |                                                 |              |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                        |  | Name, Nationality, and Address, if Known<br>NATIONALITY: GUATEMALA                                                              |        | Name, Nationality, and Address, if Known<br>NATIONALITY: GUATEMALA |                          |                                                 |              |
| Series Date/Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              |        | Systems Checks<br>See Narrative                                    |                          | Charge Code Word(s)<br>See Narrative            |              |
| Name and Address of (Last/Current) U.S. Employer                                                                                                                                                                                                                                                                        |  | Type of Employment                                                                                                              |        | Salary                                                             |                          | Employed from/to                                |              |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and documents which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                        |  | Left Index fingerprint                                                                                                          |        | Right Index fingerprint                                            |                          |                                                 |              |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
| OTHER ALIASES KNOWN BY:<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                             |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
| RECORDS CHECKED<br>... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                             |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                 |        |                                                                    |                          |                                                 |              |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                      |  | (Date/Initials)                                                                                                                 |        | (Signature and Date of Immigration Officer)                        |                          |                                                 |              |
| Distribution                                                                                                                                                                                                                                                                                                            |  | Received (Subject and Documents) (Report of Interview)                                                                          |        | Office                                                             |                          |                                                 |              |
|                                                                                                                                                                                                                                                                                                                         |  | on December 10, 2011 at 1200 (time)                                                                                             |        | Disposition REINSTATEMENT OF DEPORT ORDER I-871                    |                          |                                                 |              |
|                                                                                                                                                                                                                                                                                                                         |  | Examining Officer                                                                                                               |        | (b)(6),(b)(7)(C)                                                   |                          |                                                 |              |



|                 |             |            |
|-----------------|-------------|------------|
| (b)(6)(b)(7)(C) | File Number | Date       |
| (b)(6)(b)(7)(C) |             | 12/10/2011 |
| (b)(7)(E)       |             |            |
| (b)(7)(E)       |             |            |

**Record of Deportable/Excludable Alien:**

(b)(6)(b)(7)(C) Subject was by Birmingham Fugitive Operations outside of his residence, (b)(6)(b)(7)(C) Port Payne, AL. The team was working in the area as part of Operation Return to Sender. They were at the residence attempting to locate an ICE fugitive that was believed to have absconded into the subject's residence.

When questioned, the subject stated that he was a citizen of Guatemala and that he did not have immigration documents allowing him to be in the United States. He was taken into custody and transported to the Chattanooga ICE Office for processing.

(b)(6)(b)(7)(C) Record checks indicated that the Immigration Judge ordered the subject removed from the United States on 12/03/1997. He was subsequently removed from the United States and returned to Guatemala on 01/09/1998. At that time, he used the name (b)(6)(b)(7)(C) and was processed under (b)(6)(b)(7)(C).

(b)(6)(b)(7)(C) The subject illegally re-entered the United States and the Immigration Judge ordered him removed from the United States again on 04/07/1998. He was removed from the United States on (b)(6)(b)(7)(C) At that time, he used the name (b)(6)(b)(7)(C) and was processed under (b)(6)(b)(7)(C).

The subject also has several arrests by Border Patrol during this time in which he claimed to a citizen of Mexico and was granted a voluntary return to Mexico.

The subject is in good health and not taking any medication.

He is being held in ICE custody pending removal from the US.

He was able to contact his wife via telephone while in custody.

|                 |           |                     |
|-----------------|-----------|---------------------|
| (b)(6)(b)(7)(C) | Signature | Title               |
| (b)(6)(b)(7)(C) |           | Deportation Officer |

(b)(6),(b)(7)(C)

U.S. Department of Homeland Security

Subject ID: [REDACTED]

Record of Deportable/Inadmissible Alien

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                           |  |                                                                                          |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------|---------------------------------|
| Family Name (CARE)                                                                                                                                                                                                                                                                                        |  | First                                                                                    | Middle                          |
| [REDACTED]                                                                                                                                                                                                                                                                                                |  | [REDACTED]                                                                               | [REDACTED]                      |
| Country of Citizenship                                                                                                                                                                                                                                                                                    |  | [REDACTED]                                                                               |                                 |
| GUATEMALA                                                                                                                                                                                                                                                                                                 |  | [REDACTED]                                                                               |                                 |
| [REDACTED] FORT PAYNE, ALABAMA, 35967,                                                                                                                                                                                                                                                                    |  |                                                                                          |                                 |
| Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                            |  | Passenger Boarded at                                                                     |                                 |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                                 |  |                                                                                          |                                 |
| [REDACTED]                                                                                                                                                                                                                                                                                                |  | Date of Action<br>12/10/2011                                                             | Location Code<br>NOL/BHM        |
| Age: 18                                                                                                                                                                                                                                                                                                   |  | Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |                                 |
| City, Province (State) and Country of Birth<br>SAN RAFAEL, HUEHUETENANGO, GUATEMALA                                                                                                                                                                                                                       |  | AR <input checked="" type="checkbox"/>                                                   |                                 |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                           |  | Social Security Account Name                                                             |                                 |
| Date Visa Issued                                                                                                                                                                                                                                                                                          |  | Social Security Number                                                                   |                                 |
| Immigration Record<br>NEGATIVE - See Narrative                                                                                                                                                                                                                                                            |  | Criminal Record<br>None Known                                                            |                                 |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)                                                                                                                                                                                                                                    |  | Number and Nationality of Minor Children<br>CLAIMS NONE                                  |                                 |
| [REDACTED] and Address, if Known<br>Antonio NATIONALITY: GUATEMALA                                                                                                                                                                                                                                        |  | [REDACTED] Nationality, and Address, if Known<br>NATIONALITY: GUATEMALA                  |                                 |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                   |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No       | Systems Checks<br>See Narrative |
| Name and Address of (Last/Current) U.S. Employer                                                                                                                                                                                                                                                          |  | Type of Employment                                                                       | Charge Code Word(s)<br>I6A      |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements of administrative and/or criminal violation. Indicate means and route of travel to interior.) |  | Salary                                                                                   | Employed from/to                |
| [REDACTED]                                                                                                                                                                                                                                                                                                |  | Hr                                                                                       |                                 |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                          |  | Left Index fingerprint                                                                   | Right Index fingerprint         |
| [REDACTED]                                                                                                                                                                                                                                                                                                |  | [REDACTED]                                                                               | [REDACTED]                      |
| None                                                                                                                                                                                                                                                                                                      |  |                                                                                          |                                 |
| ARRESTING AGENTS<br>[REDACTED]                                                                                                                                                                                                                                                                            |  |                                                                                          |                                 |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                  |  |                                                                                          |                                 |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                        |  | (Date/Initials)                                                                          |                                 |
| Distribution:                                                                                                                                                                                                                                                                                             |  | Deportation Officer<br>(Signature and Title of Immigration Officer)                      |                                 |
| TO FILE                                                                                                                                                                                                                                                                                                   |  | Received: (Subject and Documents) (Report of Interview)                                  |                                 |
| TO CIS                                                                                                                                                                                                                                                                                                    |  | Officer: [REDACTED]                                                                      |                                 |
| TO DP 0066                                                                                                                                                                                                                                                                                                |  | on: December 10, 2011 at 1158 (time)                                                     |                                 |
|                                                                                                                                                                                                                                                                                                           |  | Disposition: Notice to Appear Detained (I-862)                                           |                                 |
|                                                                                                                                                                                                                                                                                                           |  | Examining Officer: [REDACTED]                                                            |                                 |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Occupation  
STUDENT

(b)(6),(b)(7)(C)

Scars and Marks

SCAR WRIST, NONSPECIFIC

(b)(7)(E)

☒ Single  
☐ Divorced ☐ Married  
☐ Widower ☐ Separated

(b)(7)(E)

At/Near  
FORT PAYNE,  
AL

Date/Time  
12/10/2011 0830

By  
See Narrative

Status at Entry  
PWA Other

Status When Found  
TRAVEL/SEEKING

Length of Time Illegally in U.S.  
AT ENTRY

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                  |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|
| Alien's Name<br>(b)(6), (b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | File Number<br>(b)(6), (b)(7)(C) | Date<br>12/10/2011 |
| (b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |                    |
| <b>Record of Deportable/Excludable Alien:</b><br>On December 10, 2011 at approximately 0730 hours the Birmingham Fugitive Operations Team knocked on the door of (b)(6), (b)(7)(C) Fort Payne, AL 35967. The Team was searching for a fugitive, one (b)(6), (b)(7)(C), the father of the subject, (b)(6), (b)(7)(C). The Team was given permission to enter the residence by the LPR (b)(6), (b)(7)(C) owner. He stated that the fugitive lived at (b)(6), (b)(7)(C) Fort Payne, AL 35967. He {LPR} took the Team to that address. The Team arrived at 0820 hours at the residence of the fugitive.<br>The Team encountered the fugitive at 0820 hours as he arrived at his home. The fugitive was in the company of his spouse, (b)(6), (b)(7)(C) also a fugitive.<br>The fugitives gave the team permission to enter their trailer to search for court documents. (b)(6), (b)(7)(C) was in court on 12/09/2011 and has his case re-opened. He was not arrested. His wife was arrested as an ICE fugitive.<br>The subject was encountered by the Team and freely admitted to entering the United States illegally. The subject admitted he had no immigration documents to enter or remain in the United States. The subject admitted he was a citizen of Guatemala.<br>The subject had in his possession his Passport (b)(6), (b)(7)(C). The subject has no children. The subject is taking no medicines and claims to be in good health.<br>The subject was arrested and transported to the Chattanooga, TN ICE office for further processing.<br>The subject was advised of his right to call the Guatemalan Consulate in Atlanta [404-320-8804]. The subject called at 1534 hours and no one answered.<br>The subject next called his father (256-516 (b)(6), (b)(7)(C) at 1535 hours. The call lasted three minutes.<br><b>IMMIGRATION HISTORY</b><br>None found or claimed.<br><b>CRIMINAL HISTORY</b><br>Claims none. None found.<br>... (CONTINUED ON NEXT PAGE) |                                  |                    |
| Signature<br>(b)(6), (b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Title<br>Deportation Officer     |                    |



(b)(6),(b)(7)(C)

File Number

Date

12/10/2011

## DISPOSITION

(b)(6),(b)(7)(C)

The subject was assigned [REDACTED] and served with a NTA.

The subject was issued a list of free legal services and an EOIR-33.

The subject was given a Bond of \$5,000.

Signature

(b)(6),(b)(7)(C)

Title

Deportation Officer

3 of 3 Pages

(b)(6),(b)(7)(C)

U.S. Department of Homeland Security

Subject ID: [REDACTED]

## Record of Deportable/Inadmissible Alien

(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------|--|
| First [REDACTED]                                                                                                                                                                                                                                                                                                       |  | Middle [REDACTED]                                                                                                               |  | (b)(6),(b)(7)(C)                                                                                                                                                                        |  | (b)(6),(b)(7)(C)                             |  |
| Country of Citizenship<br>EL SALVADOR                                                                                                                                                                                                                                                                                  |  | Passport Number and Country of Issue [REDACTED]                                                                                 |  | Occupation<br>SERVICE                                                                                                                                                                   |  | (b)(6),(b)(7)(C)                             |  |
| U.S. Address<br>[REDACTED] FORT PAYNE, ALABAMA, 35968,                                                                                                                                                                                                                                                                 |  |                                                                                                                                 |  | Scars and Marks<br>See Narrative                                                                                                                                                        |  |                                              |  |
| Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                                         |  |                                                                                                                                 |  | Passenger Boarded at<br>(b)(7)(E)                                                                                                                                                       |  |                                              |  |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                                              |  |                                                                                                                                 |  | (b)(7)(E)                                                                                                                                                                               |  |                                              |  |
| Date of Birth<br>[REDACTED]                                                                                                                                                                                                                                                                                            |  | Age: 43                                                                                                                         |  | Date of Action<br>12/10/2011                                                                                                                                                            |  | Location Code<br>NOL/BHM                     |  |
| City, Province (State) and Country of Birth<br>SAN MIGUEL, SAN MIGUEL, EL SALVADOR                                                                                                                                                                                                                                     |  | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |  | At Near<br>FORT PAYNE, AL                                                                                                                                                               |  | Date/Time<br>12/10/2011 0630                 |  |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        |  | Social Security Account Name                                                                                                    |  | By<br>See Narrative                                                                                                                                                                     |  | Status at Entry<br>PWA Other                 |  |
| Date Visa Issued<br>[REDACTED]                                                                                                                                                                                                                                                                                         |  |                                                                                                                                 |  | Status When Found<br>TRAVEL/SEEKING                                                                                                                                                     |  | Length of Time Illegally in U.S.<br>AT ENTRY |  |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                         |  | Criminal Record<br>None Known                                                                                                   |  | Number and Nationality of Minor Children<br>CLAIMS ONE                                                                                                                                  |  |                                              |  |
| Name, if Appropriate<br>[REDACTED]                                                                                                                                                                                                                                                                                     |  | Address, if Known<br>[REDACTED] NATIONALITY: EL SALVADOR                                                                        |  | Mother's Present and Maiden Names, Nationality, and Address, if Known<br>[REDACTED] NATIONALITY: EL SALVADOR                                                                            |  | (b)(6),(b)(7)(C)                             |  |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              |  | Systems Checks<br>See Narrative                                                                                                                                                         |  | Charge Code Words(s)<br>[REDACTED]           |  |
| Name and Address of (Last)(Current) U.S. Employer                                                                                                                                                                                                                                                                      |  | Type of Employment                                                                                                              |  | Salary                                                                                                                                                                                  |  | Employed from to<br>[REDACTED]               |  |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                                       |  | Left Index fingerprint                                                                                                          |  | Right Index fingerprint                                                                                                                                                                 |  | (b)(6),(b)(7)(C)                             |  |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | [REDACTED]                                                                                                                      |  | [REDACTED]                                                                                                                                                                              |  |                                              |  |
| None                                                                                                                                                                                                                                                                                                                   |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| SCARS, MARKS, AND TATTOOS                                                                                                                                                                                                                                                                                              |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| SCAR FINGER, RIGHT THUMB                                                                                                                                                                                                                                                                                               |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| SCAR ANKLE, LEFT                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                               |  |                                                                                                                                 |  |                                                                                                                                                                                         |  |                                              |  |
| Alien has been advised of communication privileges _____ (Date/Initials)                                                                                                                                                                                                                                               |  |                                                                                                                                 |  | Deportation Officer<br>(Signature and Title of Immigration Officer)                                                                                                                     |  |                                              |  |
| Distribution:<br>TO FILE<br>TO CIS<br>TO DP 0066                                                                                                                                                                                                                                                                       |  |                                                                                                                                 |  | Received: (Subject and Documents) (Report of Interview)<br>Officer: [REDACTED]<br>on: December 10, 2011 at 1128 (time)<br>Disposition: Bag and Baggage<br>Examining Officer: [REDACTED] |  |                                              |  |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(7)(E)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Form I-213 (Rev. 08.01.07)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                              |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------|
| (b)(6),(b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | File Number                  | Date<br>12/10/2011 |
| <b>ARRESTING AGENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                              |                    |
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                    |
| (b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                              |                    |
| <b>Record of Deportable/Excludable Alien:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                              |                    |
| (b)(6),(b)(7)(C) The subject, [REDACTED] is a wanted fugitive, illegal alien and the target of an ICE / ERO investigation. The subject is removable from the United States pursuant to a Final Order issued by an Immigration Judge in on May 30, 1995.                                                                                                                                                                                                                                                                                                                                                                                                  |                              |                    |
| (b)(6),(b)(7)(C) The subject was located at his residence [REDACTED] Fort Payne, AL 35968] by the Birmingham, AL ICE Fugitive Operations Team. On December 10, 2011, at approximately 0630 (b)(6),(b)(7)(C) [REDACTED] the spouse of the subject one [REDACTED] (b)(6),(b)(7)(C) [REDACTED] going to her vehicle in the drive way. Officer [REDACTED] asked her (b)(6),(b)(7)(C) they could go to the trailer and talk to her husband [subject]. She replied that they could and all of them walked to the door which was then opened by the subject who allowed the Team (b)(6),(b)(7)(C) in. Officer [REDACTED] and Officer [REDACTED] witnessed this. |                              |                    |
| The subject admitted that he possessed no documents that would allow him to enter, travel through or remain in the United States legally. The subject admitted that he was a citizen and national of El Salvador.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                    |
| (b)(6),(b)(7)(C) The subject was arrested after a brief struggle with Officers [REDACTED] [REDACTED] [REDACTED] and (b)(6),(b)(7)(C) [REDACTED] in which the subject initially refused to be handcuffed, and drop his keys, but then complied and caused no more problems.                                                                                                                                                                                                                                                                                                                                                                               |                              |                    |
| Prior to departure, the subject was questioned as to whether or not he had minor children; was taking any prescribed medication; and was in possession of any immigration documents from his country of origin.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                              |                    |
| The subject indicated that he was in good health and was taking no medication.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                              |                    |
| The spouse would take care of any minor children the couple has, none were present during this encounter.<br>...(CONTINUED ON NEXT PAGE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                              |                    |
| Signature<br>(b)(6),(b)(7)(C) [REDACTED]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Title<br>Deportation Officer |                    |



(b)(6), (b)(7)(C)

File Number

Date

12/10/2011

The subject had no passport in his possession.

The subject was then transported to the Chattanooga, TN ICE Sub-office for further processing and investigation.

The subject was advised of his right to speak with a consular official from his country of origin. The subject called the El Salvadoran Consulate in Houston, TX (713-270-(b)(6), (b)(7)(C)) at 1512 hours and listened to an audio message.

The subject forgot the phone number for his spouse.

The subject will be held in ICE / ERO custody pending his removal to El Salvador.

(b)(6), (b)(7)(C)

Signature

Title

Deportation Officer

3 of 3 Pages

### Record of Deportable/Inadmissible Alien

| First                                                                                                                                                                                                                                                                                                                                                                    |                                      | Middle                                                                                                                          |                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Country of Citizenship<br><b>MEXICO</b>                                                                                                                                                                                                                                                                                                                                  | Passport Number and Country of Issue |                                                                                                                                 |                                       |
| PORT PAYNE, ALABAMA, 35967,                                                                                                                                                                                                                                                                                                                                              |                                      |                                                                                                                                 |                                       |
| Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                                                                                           |                                      | Passenger Boarded at                                                                                                            |                                       |
| Number, Street, City, Province (State) and Country of Permanent Residence<br>LA POINITA SUN JOCE IBIDE GUANAJUATO, MEXICO                                                                                                                                                                                                                                                |                                      |                                                                                                                                 |                                       |
| Age: 46                                                                                                                                                                                                                                                                                                                                                                  |                                      | Date of Action<br>12/11/2011                                                                                                    | Location Code<br>NOL/BHM              |
| City, Province (State) and Country of Birth<br>MEXICO                                                                                                                                                                                                                                                                                                                    |                                      | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |                                       |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                                                                          |                                      | Social Security Account Name                                                                                                    |                                       |
| Date Visa Issued                                                                                                                                                                                                                                                                                                                                                         |                                      | Social Security Number                                                                                                          |                                       |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                                                                           |                                      | Criminal Record<br>None Known                                                                                                   |                                       |
| of Spouse (Maiden Name, if Appropriate)<br>NATIONALITY: MEXICO                                                                                                                                                                                                                                                                                                           |                                      | Number and Nationality of Minor Children<br>6 MEXICO                                                                            |                                       |
| Maiden Name, Nationality, and Address, if Known<br>NATIONALITY: MEXICO                                                                                                                                                                                                                                                                                                   |                                      | Maiden Name, Nationality, and Address, if Known<br>NATIONALITY: MEXICO                                                          |                                       |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                                                                  |                                      | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              | Systems Checks<br>See Narrative       |
| Name and Address of (Last/Current) U.S. Employer<br>UNEMPLOYED                                                                                                                                                                                                                                                                                                           |                                      | Type of Employment                                                                                                              | Salary<br>Employed from to<br>/ / / / |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements establishing administrative and/or criminal violation. Indicate means and route of travel to interior.)<br>Left Index fingerprint<br>Right Index fingerprint |                                      |                                                                                                                                 |                                       |
| None                                                                                                                                                                                                                                                                                                                                                                     |                                      |                                                                                                                                 |                                       |
| ARRESTING AGENTS                                                                                                                                                                                                                                                                                                                                                         |                                      |                                                                                                                                 |                                       |
| ...                                                                                                                                                                                                                                                                                                                                                                      |                                      |                                                                                                                                 |                                       |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                                                                                 |                                      |                                                                                                                                 |                                       |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                                                                       |                                      |                                                                                                                                 |                                       |
| Distribution:<br>A-File<br>CIS<br>Etowah - DP0066                                                                                                                                                                                                                                                                                                                        |                                      |                                                                                                                                 |                                       |
| Received: (Subject and Documents) (Report of Interview)<br>Officer:<br>on December 11, 2011 at 1352 (time)<br>Disposition: Notice to Appear Detained (I-862)<br>Examining Officer:                                                                                                                                                                                       |                                      |                                                                                                                                 |                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------|
| Alien's Name<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Date<br>12/11/2011           |
| (b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                              |
| <b>Record of Deportable/Excludable Alien:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                              |
| <b>Encounter Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                              |
| (b)(6),(b)(7)(C) On December 11, 2011, (b)(6),(b)(7)(C) was encountered and arrested by the Birmingham Fugitive Operations Team at his residence at (b)(6),(b)(7)(C) Fort Payne, Alabama. (b)(6),(b)(7)(C) 35967. (b)(6),(b)(7)(C) was encountered during the investigation of an ICE Fugitive. (b)(6),(b)(7)(C) granted the team permission to enter and search the residence. (b)(6),(b)(7)(C)                                                                                                                                                                   |  |                              |
| <b>Immigration History:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                              |
| (b)(6),(b)(7)(C) states that he is a native and citizen of MEXICO who last entered the United States as set forth above. (b)(6),(b)(7)(C) states and (b)(6),(b)(7)(C) reveal that there are no pending applications or petitions on his behalf. (b)(6),(b)(7)(C) claims that he does not currently possess any valid documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claims to a Legal Permanent Resident or a United States Citizenship. (b)(6),(b)(7)(C) was granted four Voluntary Returns to Mexico. (b)(6),(b)(7)(C) |  |                              |
| <b>Criminal History:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                              |
| (b)(6),(b)(7)(C) has no other known criminal arrests and/or convictions. (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                              |
| <b>Medical History:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                              |
| (b)(6),(b)(7)(C) claims no known medical conditions and has stated that he is not taking any medications. (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                              |
| <b>Gang Affiliation:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                              |
| (b)(6),(b)(7)(C) claims no gang affiliation and bears no evidence of such. (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                              |
| <b>Family Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                              |
| (b)(6),(b)(7)(C) claims to be married to (b)(6),(b)(7)(C) an undocumented alien illegally residing at the above listed address. (b)(6),(b)(7)(C) further claims to have 6 children residing in Mexico. (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                            |  |                              |
| <b>Telephone Calls:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                              |
| (b)(6),(b)(7)(C) was afforded the right to call the Mexican consulate at 404-320-(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) was also afforded the right to call his wife, (b)(6),(b)(7)(C) at 256-630-(b)(6),(b)(7)(C) (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                     |  |                              |
| <b>Processing Disposition:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                              |
| Subject will be issued a Notice to Appear and held on a \$5,000 bond.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                              |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | Title<br>DEPORTATION OFFICER |



(b)(6),(b)(7)(C)

U.S. Department of Homeland Security

Subject ID: [REDACTED]

Record of Deportable/Inadmissible Alien

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                                        |                                                 |                                                                                                                                |                                              |                  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------|--|
| First [REDACTED] Middle [REDACTED]                                                                                                                                                                                                                                                                                     |                                                 | (b)(6),(b)(7)(C)                                                                                                               |                                              | (b)(6),(b)(7)(C) |  |
| Country of Citizenship<br><b>MEXICO</b>                                                                                                                                                                                                                                                                                | Passport Number and Country of Issue [REDACTED] |                                                                                                                                | Occupation (b)(6),(b)(7)(C)                  |                  |  |
| Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                                         |                                                 |                                                                                                                                | Passenger Boarded at                         |                  |  |
| Number, Street, City, Province (State) and Country of Permanent Residence<br><b>OAKDALE, LOUISIANA, 71463,</b>                                                                                                                                                                                                         |                                                 |                                                                                                                                |                                              |                  |  |
| Date of Birth [REDACTED] Age: 49                                                                                                                                                                                                                                                                                       |                                                 | Date of Action<br><b>12/11/2011</b>                                                                                            | Location Code<br><b>NOL/BHM</b>              |                  |  |
| City, Province (State) and Country of Birth<br><b>ACAMBARO, GUANAJUATO, MEXICO</b>                                                                                                                                                                                                                                     |                                                 | AR <input checked="" type="checkbox"/> Form (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | At/Near<br><b>Port Payne, Alabama</b>        |                  |  |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        |                                                 | Social Security Account Name                                                                                                   | Date/Time<br><b>12/11/2011 1200</b>          |                  |  |
| Date Visa Issued                                                                                                                                                                                                                                                                                                       |                                                 | Social Security Number                                                                                                         | By<br><b>See Narrative</b>                   |                  |  |
| Immigration Record<br><b>POSITIVE - See Narrative</b>                                                                                                                                                                                                                                                                  |                                                 | Criminal Record<br><b>None Known</b>                                                                                           | Status at Entry<br><b>PWA Mexico</b>         |                  |  |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)                                                                                                                                                                                                                                                 |                                                 | Status When Found<br><b>TRAVEL/SEEKING</b>                                                                                     |                                              |                  |  |
| Nationality, and Address, if Known<br><b>NATIONALITY: MEXICO</b>                                                                                                                                                                                                                                                       |                                                 | Length of Time Illegally in U.S.<br><b>OVER 1 YEAR</b>                                                                         |                                              |                  |  |
| Maiden's Name and Maiden Names, Nationality, and Address, if Known<br><b>NATIONALITY: MEXICO</b>                                                                                                                                                                                                                       |                                                 | Number and Nationality of Minor Children                                                                                       |                                              |                  |  |
| Monies Due/Property in U.S. Not in Immediate Possession<br><b>None Claimed</b>                                                                                                                                                                                                                                         |                                                 | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                             | Systems Checks<br><b>See Narrative</b>       |                  |  |
| Name and Address of (Last)(Current) U.S. Employer                                                                                                                                                                                                                                                                      |                                                 | Type of Employment                                                                                                             | Charge Code Words(s)<br><b>See Narrative</b> |                  |  |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |                                                 | Salary                                                                                                                         | Employed from/to                             |                  |  |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                                       |                                                 | Left Index fingerprint [REDACTED]                                                                                              |                                              |                  |  |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |                                                 | Right Index fingerprint [REDACTED]                                                                                             |                                              |                  |  |
| ARRESTING AGENTS<br>[REDACTED]                                                                                                                                                                                                                                                                                         |                                                 |                                                                                                                                |                                              |                  |  |
| RECORDS CHECKED<br>... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                            |                                                 |                                                                                                                                |                                              |                  |  |
| Alien has been advised of communication privileges [REDACTED] (Date/Initials)                                                                                                                                                                                                                                          |                                                 |                                                                                                                                |                                              |                  |  |
| Distribution<br>[REDACTED] (Signature and Title of Immigration Officer)                                                                                                                                                                                                                                                |                                                 |                                                                                                                                |                                              |                  |  |
| Received (Subject and Documents) (Report of Interview)<br>Officer: [REDACTED]<br>on: <b>December 11, 2011 at 1200</b> (time)<br>Disposition <b>REINSTATEMENT OF DEPORT ORDER I-871</b><br>Examining Officer [REDACTED]                                                                                                 |                                                 |                                                                                                                                |                                              |                  |  |

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

|                 |             |            |
|-----------------|-------------|------------|
| (b)(6)(b)(7)(C) | File Number | Date       |
|                 |             | 12/11/2011 |

(b)(7)(E)

(b)(7)(E)

**Record of Deportable/Excludable Alien:**

(b)(6)(b)(7)(C) Subject was encountered by Birmingham Fugitive Operations outside of his residence, (b)(6)(b)(7)(C) Port Payne, AL. The team was working the area as part of Operation Return to Sender. The team was at the address attempting to locate an ICE fugitive.

When questioned, the subject stated that he was a citizen of Mexico and that he did not have immigration documents allowing him to be in the United States. Record checks performed at the scene indicated that the subject had been previously removed from the United States. He was taken into custody and transported to the Chattanooga ICE Office for processing.

Record checks indicate that the subject was apprehended by CBP on 08/05/2008 as he attempted to enter the US through the Veterans International Bridge POE in Brownsville, TX. The subject was attempting to enter the US using a valid DSP-150 laser visa. The CBP Officer's obtained information indicating that the subject overstayed his visa and worked in the US without authorization on two prior occasions. Due to this information, the subject was issued and I-860 and I-296 and given and Expedited Removal from the US and the DSP-150 was canceled.

The subject was issued an I-871 and is being held in ICE custody pending removal from the US.

He is in good health and not taking any medication.

He was able to contact his family via telephone while in custody.

|                 |           |                 |                     |
|-----------------|-----------|-----------------|---------------------|
| (b)(6)(b)(7)(C) | Signature | (b)(6)(b)(7)(C) | Title               |
| (b)(6)(b)(7)(C) |           |                 | Deportation Officer |

2 of 2 Pages

|                                                                                                                                                                                                                                                                                                                        |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Family Name (CAPS)<br>[REDACTED]                                                                                                                                                                                                                                                                                       |                                                    | First<br>[REDACTED]                                                                                                             | Middle<br>[REDACTED]               | (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)                                                                                           |                                                                                                                                                                                  |
| Country of Citizenship<br>GUATEMALA                                                                                                                                                                                                                                                                                    | Passport Number and Country of Issue<br>[REDACTED] |                                                                                                                                 | Title Number<br>[REDACTED]         |                                                                                                                             | Occupation<br>Laborer (b)(6),(b)(7)(C)                                                                                                                                           |
| U.S. Address<br>[REDACTED] RAINSVILLE, ALABAMA, 35986,                                                                                                                                                                                                                                                                 |                                                    |                                                                                                                                 |                                    | Scars and Marks<br>See Narrative                                                                                            |                                                                                                                                                                                  |
| Date, Place, Time, and Manner of Last Entry<br>/ / 1993, Unknown Time, UNK                                                                                                                                                                                                                                             |                                                    |                                                                                                                                 | Passenger Boarded at<br>[REDACTED] |                                                                                                                             | (b)(7)(E) <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated |
| Number, Street, City, Province (State) and Country of Permanent Residence<br>See Narrative                                                                                                                                                                                                                             |                                                    |                                                                                                                                 |                                    | (b)(7)(E)                                                                                                                   |                                                                                                                                                                                  |
| Date of Birth<br>[REDACTED]                                                                                                                                                                                                                                                                                            |                                                    | Age: 35                                                                                                                         | Date of Action<br>12/11/2011       | Location Code<br>NOL/BHM                                                                                                    | At/Near<br>Rainville, Alabama                                                                                                                                                    |
| City, Province (State) and Country of Birth<br>OTR, GUATEMALA                                                                                                                                                                                                                                                          |                                                    | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | Date/Hour<br>12/11/2011 0630       |                                                                                                                             |                                                                                                                                                                                  |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        |                                                    | Social Security Account Name                                                                                                    |                                    | By<br>See Narrative                                                                                                         |                                                                                                                                                                                  |
| Date Visa Issued                                                                                                                                                                                                                                                                                                       |                                                    | Social Security Number<br>(b)(6),(b)(7)(C)                                                                                      |                                    | Status at Entry<br>PWA Other                                                                                                |                                                                                                                                                                                  |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                         |                                                    | Criminal Record<br>None Known                                                                                                   |                                    | Status When Found<br>SEEKING EMPLOYMENT                                                                                     |                                                                                                                                                                                  |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)<br>[REDACTED] NATIONALITY: GUATEMALA                                                                                                                                                                                                            |                                                    |                                                                                                                                 |                                    | Number and Nationality of Minor Children<br>3 USC                                                                           |                                                                                                                                                                                  |
| Father's Name, Nationality, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA                                                                                                                                                                                                                                 |                                                    |                                                                                                                                 |                                    | Mother's Present and Maiden Names, Nationality, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA (b)(6),(b)(7)(C) |                                                                                                                                                                                  |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                |                                                    | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              | Systems Checks<br>See Narrative    | Charge Code Word(s)                                                                                                         |                                                                                                                                                                                  |
| Name and Address of (Last) (Current) U.S. Employer<br>See Narrative                                                                                                                                                                                                                                                    |                                                    | Type of Employment                                                                                                              | Salary                             | Employed from to<br>/ /                                                                                                     |                                                                                                                                                                                  |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                                       |                                                    | Left Index fingerprint                                                                                                          |                                    | Right Index fingerprint                                                                                                     |                                                                                                                                                                                  |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |                                                    | [REDACTED]                                                                                                                      |                                    | [REDACTED] (b)(6),(b)(7)(C)                                                                                                 |                                                                                                                                                                                  |
| None                                                                                                                                                                                                                                                                                                                   |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| SCARS, MARKS, AND TATTOOS                                                                                                                                                                                                                                                                                              |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| MOLE CHIN                                                                                                                                                                                                                                                                                                              |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| MOLE NOSE                                                                                                                                                                                                                                                                                                              |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| MOLE LIP, UPPER                                                                                                                                                                                                                                                                                                        |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                               |                                                    |                                                                                                                                 |                                    |                                                                                                                             |                                                                                                                                                                                  |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                     |                                                    | [REDACTED] (Initials)                                                                                                           |                                    | [REDACTED] DEPORTATION OFFICER (Signature and Title of Immigration Officer)                                                 |                                                                                                                                                                                  |
| Distribution:                                                                                                                                                                                                                                                                                                          |                                                    | Received: (Subject and Documents) (Report of Interview)                                                                         |                                    |                                                                                                                             |                                                                                                                                                                                  |
| A-File                                                                                                                                                                                                                                                                                                                 |                                                    | Officer: [REDACTED] (b)(6),(b)(7)(C)                                                                                            |                                    |                                                                                                                             |                                                                                                                                                                                  |
| CIS                                                                                                                                                                                                                                                                                                                    |                                                    | on: December 11, 2011 at 1251 (time)                                                                                            |                                    |                                                                                                                             |                                                                                                                                                                                  |
| Etc                                                                                                                                                                                                                                                                                                                    |                                                    | Disposition: Bag and Baggage                                                                                                    |                                    |                                                                                                                             |                                                                                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                        |                                                    | Examining Officer: [REDACTED] (b)(6),(b)(7)(C)                                                                                  |                                    |                                                                                                                             |                                                                                                                                                                                  |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                              |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------|
| (b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (b)(6),(b)(7)(C)             | Date<br>12/11/2011 |
| <b>FOREIGN ADDRESS</b><br>-----<br>SAN RAFAEL LO INDEPENDICIO<br>HUEHUETENANGO, OTHER - POR COUNTRIES OTHER THAN US, MEXICO, AND CANADA, GUATEMALA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                              |                    |
| <b>ARRESTING AGENTS</b><br>(b)(6),(b)(7)(C)<br><br>(b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                    |
| <b>NAME AND ADDRESS OF US EMPLOYER</b><br>-----<br>(b)(6),(b)(7)(C) FLAT ROCK, AL 35966                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                              |                    |
| <b>Record of Deportable/Excludable Alien:</b><br><b>Encounter Information:</b><br>(b)(6),(b)(7)(C) On December 11, 2011, (b)(6),(b)(7)(C) was located and arrested by the Birmingham Fugitive Operations Team at his residence at (b)(6),(b)(7)(C) Alabama 35968. (b)(6),(b)(7)(C)<br>(b)(6),(b)(7)(C) is an ICE Fugitive and is the target of an ICE investigation. The Subjects spouse, (b)(6),(b)(7)(C)<br>(b)(6),(b)(7)(C) granted the team permission to enter and search the residence.                                                                                                                                                                       |                              |                    |
| <b>Immigration History:</b><br>(b)(6),(b)(7)(C) states that he is a native and citizen of GUATEMALA who last entered the United States as set forth above. (b)(6),(b)(7)(C) states and record checks reveal that there are no pending applications or petitions on his behalf. (b)(6),(b)(7)(C) claims that he does not currently possess any valid documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claims to a Legal Permanent Resident or a United States citizenship. (b)(6),(b)(7)(C) is removable from the United States pursuant to a Final Order issued by an Immigration Judge on March 11, 1999. (b)(6),(b)(7)(C) |                              |                    |
| <b>Criminal History:</b><br>(b)(6),(b)(7)(C) has no other known criminal arrests and/or convictions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                              |                    |
| <b>Medical History:</b><br>(b)(6),(b)(7)(C) claims no known medical conditions and has stated that he is not taking any medications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                              |                    |
| <b>Gang Affiliation:</b><br>(b)(6),(b)(7)(C) claims no gang affiliation and bears no evidence of such.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                              |                    |
| <b>Family Information:</b><br>(b)(6),(b)(7)(C) is married to (b)(6),(b)(7)(C) who is a Legal Permanent Resident and together... (CONTINUED ON NEXT PAGE)<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Title<br>DEPORTATION OFFICER |                    |

|                                                                                                                                                                                                                                      |                              |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------|
| (b)(6), (b)(7)(C)                                                                                                                                                                                                                    | File Number                  | Date<br>12/11/2011 |
| they have 3 minor USC children who all resides at the above listed address.                                                                                                                                                          |                              |                    |
| <b>Telephone Calls:</b><br>(b)(6), (b)(7)(C) was afforded the right to call the GUATEMALA consulate at 404-320-8804.<br>(b)(6), (b)(7)(C) was also afforded the right to call his wife, (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)       |                              |                    |
| <b>Processing Disposition:</b><br>(b)(6), (b)(7)(C) is amenable to removal from the United States pursuant to the aforementioned Warrant of Removal. Subject will be processed as an ICE Fugitive and will be detained without BOND. |                              |                    |
| (b)(6), (b)(7)(C)<br>Signature                                                                                                                                                                                                       | Title<br>DEPORTATION OFFICER |                    |

U.S. Department of Homeland Security

Subject ID: [REDACTED]

## Record of Deportable/Inadmissible Alien

|                                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------|--|
| First [REDACTED] Middle [REDACTED]                                                                                                                                                                                                                                                                                                                |  | (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)                                                                   |  |
| Country of Citizenship<br><b>GUATEMALA</b>                                                                                                                                                                                                                                                                                                        |  | Occupation<br><b>Laborer</b>                                                                        |  |
| Address<br><b>FORT PAYNE, ALABAMA, 35967,</b>                                                                                                                                                                                                                                                                                                     |  | Scars and Marks<br><b>None Visible</b>                                                              |  |
| Date, Place, Time, and Manner of Last Entry<br><b>Unknown Date, Unknown Time, UNK, SWI</b>                                                                                                                                                                                                                                                        |  | Passenger Boarded at<br><b>(b)(7)(E)</b>                                                            |  |
| Number, Street, City, Province (State) and Country of Permanent Residence<br><b>LA INDEPENDENCIA SAN RAFAEL, HUEHUETENANGO, GUATEMALA</b>                                                                                                                                                                                                         |  | Status at Entry<br><b>PWA Other</b>                                                                 |  |
| Age: <b>37</b>                                                                                                                                                                                                                                                                                                                                    |  | Date of Action<br><b>12/11/2011</b>                                                                 |  |
| City, Province (State) and Country of Birth<br><b>SAN RAFAEL, HUEHUETENANGO, GUATEMALA</b>                                                                                                                                                                                                                                                        |  | Location Code<br><b>NOL/BHM</b>                                                                     |  |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                                                   |  | Form: (Type and No.) <input checked="" type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted |  |
| Date Visa Issued                                                                                                                                                                                                                                                                                                                                  |  | Social Security Account Name                                                                        |  |
| Immigration Record<br><b>POSITIVE - See Narrative</b>                                                                                                                                                                                                                                                                                             |  | Criminal Record<br><b>None Known</b>                                                                |  |
| Relationship of Spouse (Maiden Name, if Appropriate)<br><b>NATIONALITY: GUATEMALA</b>                                                                                                                                                                                                                                                             |  | Number and Nationality of Minor Children<br><b>FOUR, UNITED STATES</b>                              |  |
| City, Province (State) and Country of Birth<br><b>NATIONALITY: GUATEMALA</b>                                                                                                                                                                                                                                                                      |  | Address, if Known<br><b>NATIONALITY: GUATEMALA</b>                                                  |  |
| Monies Due/Property in U.S. Not in Immediate Possession<br><b>None Claimed</b>                                                                                                                                                                                                                                                                    |  | Fingerprints? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                   |  |
| Name and Address of (Last) Current U.S. Employer<br><b>CENTRE, AL</b>                                                                                                                                                                                                                                                                             |  | Systems Checks<br><b>See Narrative</b>                                                              |  |
| Type of Employment<br><b>See Narrative</b>                                                                                                                                                                                                                                                                                                        |  | Salary<br><b>220 Weekly</b>                                                                         |  |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)<br><b>FINS: [REDACTED]</b> |  | Employed from/to<br><b>/ / /</b>                                                                    |  |
| Left Index fingerprint                                                                                                                                                                                                                                                                                                                            |  | Right Index fingerprint                                                                             |  |
| Traffic - Other                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                     |  |
| ARRESTING AGENTS<br><b>[REDACTED]</b>                                                                                                                                                                                                                                                                                                             |  |                                                                                                     |  |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                                                          |  |                                                                                                     |  |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                                                |  | (Date/Initials)                                                                                     |  |
| Distribution<br><b>A File</b>                                                                                                                                                                                                                                                                                                                     |  | Received: (Subject and Documents) (Report of Interview)<br><b>Deportation Officer</b>               |  |
| Agent                                                                                                                                                                                                                                                                                                                                             |  | Officer: <b>[REDACTED]</b>                                                                          |  |
|                                                                                                                                                                                                                                                                                                                                                   |  | on <b>December 11, 2011 at 1500</b> (time)                                                          |  |
|                                                                                                                                                                                                                                                                                                                                                   |  | Disposition: <b>Bag and Baggage</b>                                                                 |  |
|                                                                                                                                                                                                                                                                                                                                                   |  | Examine Officer: <b>[REDACTED]</b>                                                                  |  |

Form I-213 (Rev. 08/01/07)



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                 |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------|--------------------|
| Alien's Name<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | File Number<br>(b)(6),(b)(7)(C) | Date<br>12/11/2011 |
| (b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                 |                    |
| <b>TYPE OF EMPLOYMENT</b><br>-----<br>Operators, Fabricators, and Laborers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                 |                    |
| <b>Record of Deportable/Excludable Alien:</b><br>(b)(6),(b)(7)(C) is a native of Guatemala and a citizen of Guatemala who claims to have last entered the United States illegally near the Arizona/Mexico border, about 10 years ago. (b)(6),(b)(7)(C) does not currently possess any documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claim to either Legal Permanent Resident status or to United States Citizenship.                                                                                                                                                                                                                                                                                                     |  |                                 |                    |
| (b)(6),(b)(7)(C) is a wanted, fugitive, illegal alien (b)(6),(b)(7)(C) and the target of an ICE/ERO investigation. The subject is removable from the United States pursuant to a Final Order issued by an Immigration Judge on April 2, 2008. On December 11, 2011, Agents from the Homewood, Alabama FUGOPS team encountered (b)(6),(b)(7)(C) hiding inside his residence in Port Payne, Alabama. Permission to enter was granted by the subject's wife, (b)(6),(b)(7)(C). A field interview was conducted whereupon (b)(6),(b)(7)(C) was positively identified and he was arrested without incident. Subject was taken into ICE custody, transported to the Chattanooga, Tennessee office and processed for execution of the Warrant of Removal. (b)(6),(b)(7)(C) |  |                                 |                    |
| Subject has been previously arrested for traffic offenses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                 |                    |
| Subject was in possession of a valid Guatemalan passport/Consular Identification card at the time of arrest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                 |                    |
| Subject claims to be in good health.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                 |                    |
| Subject claims no gang affiliation and bears no evidence of such.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                 |                    |
| (b)(6),(b)(7)(C) is amenable to removal from the United States pursuant to the aforementioned Warrant of Removal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                 |                    |
| Subject was allowed to make a personal phone call.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                 |                    |
| Subject was afforded the opportunity to speak with a representative of the Guatemalan Consulate, but declined.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                 |                    |
| Subject will be held without bond.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                 |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Title<br>Deportation Officer    |                    |

U.S. Department of Homeland Security

Subject ID: [REDACTED]

## Record of Deportable/Inadmissible Alien

|                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                 |                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Family Name (CARE)                                                                                                                                                                                                                                                                                                     |  | First                                                                                                                           | Middle                       |
| Country of Citizenship                                                                                                                                                                                                                                                                                                 |  | Passport Number and Country of Issue                                                                                            |                              |
| GUATEMALA                                                                                                                                                                                                                                                                                                              |  | Guatemala                                                                                                                       |                              |
| Date of Birth                                                                                                                                                                                                                                                                                                          |  | Age: 28                                                                                                                         | Date of Action<br>12/11/2011 |
| City, Province (State) and Country of Birth                                                                                                                                                                                                                                                                            |  | Location Code<br>NOL/BHM                                                                                                        |                              |
| SAN RAFAEL, HUEHUETENANGO, GUATEMALA                                                                                                                                                                                                                                                                                   |  | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |                              |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        |  | Social Security Account Name                                                                                                    |                              |
| Date Visa Issued                                                                                                                                                                                                                                                                                                       |  | Social Security Number                                                                                                          |                              |
| Immigration Record                                                                                                                                                                                                                                                                                                     |  | Criminal Record                                                                                                                 |                              |
| NEGATIVE - See Narrative                                                                                                                                                                                                                                                                                               |  | None Known                                                                                                                      |                              |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)                                                                                                                                                                                                                                                 |  | Number and Nationality of Minor Children                                                                                        |                              |
| [REDACTED] NATIONALITY: GUATEMALA                                                                                                                                                                                                                                                                                      |  | ONE, UNITED STATES                                                                                                              |                              |
| Monies Due/Property in U.S. Not in Immediate Possession                                                                                                                                                                                                                                                                |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              |                              |
| None Claimed                                                                                                                                                                                                                                                                                                           |  | Systems Checks                                                                                                                  |                              |
| Name and Address of (Last)(Current) U.S. Employer                                                                                                                                                                                                                                                                      |  | Charge Code Word(s)                                                                                                             |                              |
| UNEMPLOYED                                                                                                                                                                                                                                                                                                             |  | Narrative                                                                                                                       |                              |
| Type of Employment                                                                                                                                                                                                                                                                                                     |  | Salary                                                                                                                          |                              |
| Unemployed or Retired                                                                                                                                                                                                                                                                                                  |  | Employed from/to                                                                                                                |                              |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  | Hr / / / /                                                                                                                      |                              |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                                       |  | Left Index fingerprint                                                                                                          |                              |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | Right Index fingerprint                                                                                                         |                              |
| None                                                                                                                                                                                                                                                                                                                   |  | [REDACTED]                                                                                                                      |                              |
| ARRESTING AGENTS                                                                                                                                                                                                                                                                                                       |  | [REDACTED]                                                                                                                      |                              |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                               |  | [REDACTED]                                                                                                                      |                              |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                     |  | (Date/Initials)                                                                                                                 |                              |
| Distribution:                                                                                                                                                                                                                                                                                                          |  | Deportation Officer                                                                                                             |                              |
| A File                                                                                                                                                                                                                                                                                                                 |  | (Signature and Title of Immigration Officer)                                                                                    |                              |
| CIS                                                                                                                                                                                                                                                                                                                    |  | Received: (Subject and Documents) (Report of Interview)                                                                         |                              |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | Officer: [REDACTED]                                                                                                             |                              |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | on: December 11, 2011 at 1500 (time)                                                                                            |                              |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | Disposition Notice to Appear Detained (I-862)                                                                                   |                              |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | Examining Officer: [REDACTED]                                                                                                   |                              |

Form I-213 (Rev. 08/01/07)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                 |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------|--------------------|
| Alien's Name<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | File Number<br>(b)(6),(b)(7)(C) | Date<br>12/11/2011 |
| (b)(7)(E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                 |                    |
| <b>Record of Deportable/Excludable Alien:</b><br>(b)(6),(b)(7)(C) is a native of Guatemala and a citizen of Guatemala who claims to have first entered the United States by illegally crossing the International Boundary near Arizona, about nine years ago. Subject has no documents allowing him to enter, pass through or reside in the United States legally. Subject makes no claim to either Legal Permanent Resident status or to United States Citizenship.                                                                                                                                                                  |  |                                 |                    |
| (b)(6),(b)(7)(C) was arrested by ICE agents of the Homewood, Alabama Fugitive Operations team on December 11, 2011. (b)(6),(b)(7)(C) was encountered living at the last known address of a suspected fugitive alien, in Fort Payne, Alabama. Consent to enter was granted by the homeowner, (b)(6),(b)(7)(C). When questioned as to his immigration status, (b)(6),(b)(7)(C) admitted to being in the United States without having been admitted or paroled. He also presented a Consular ID from Guatemala. Subject was taken into ICE custody and transported to the Chattanooga, Tennessee office for processing. (b)(6),(b)(7)(C) |  |                                 |                    |
| (b)(6),(b)(7)(C) has no previous immigration history.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                 |                    |
| (b)(6),(b)(7)(C) has no known previous criminal history.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                 |                    |
| Subject was in possession of a valid Guatemalan passport/consular ID at the time of arrest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                 |                    |
| Subject appears to be in good health and claims no medical problems or medications taken.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                 |                    |
| Subject claims no gang affiliations and bears no evidence of such.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                 |                    |
| Subject was processed for NTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                 |                    |
| Subject is amenable to Removal from the United States pursuant to Section 212(a)(6)(A)(i) of the INA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                 |                    |
| Subject has no known wants or warrants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                 |                    |
| Subject was given a \$10,000.00 bond.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                 |                    |
| Subject was given the opportunity to speak with a representative of the Guatemalan Consulate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                 |                    |
| Subject was given the opportunity to make a local call.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                 |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | Title<br>Deportation Officer    |                    |



(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

|                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                              |                      |                                                                                                                                                                                        |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Family Name (CAPS)<br>[REDACTED]                                                                                                                                                                                                                                                                                       |  | First<br>[REDACTED]                                                                                                          | Middle<br>[REDACTED] | (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)                                                                                                                                                      |  |
| Country of Citizenship<br>GUATEMALA                                                                                                                                                                                                                                                                                    |  | Passport Number and Country of Issue<br>[REDACTED]                                                                           |                      | Occupation<br>SERVICE (b)(6),(b)(7)(C)                                                                                                                                                 |  |
| U.S. Address<br>[REDACTED] FORT PAYNE, ALABAMA, 35967,                                                                                                                                                                                                                                                                 |  | Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                               |                      | Scars and Marks<br>SCAR FOREARM, LEFT (b)(7)(E)                                                                                                                                        |  |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                                              |  | Passenger Boarded at                                                                                                         |                      | <input type="checkbox"/> Single<br><input type="checkbox"/> Divorced <input type="checkbox"/> Married<br><input type="checkbox"/> Widowed <input type="checkbox"/> Separated (b)(7)(E) |  |
| Date of Birth<br>[REDACTED] Age: 31                                                                                                                                                                                                                                                                                    |  | Date of Action<br>12/11/2011                                                                                                 |                      | At Near<br>FORT PAYNE, AL Date Hour<br>12/11/2011 1000                                                                                                                                 |  |
| City, Province (State) and Country of Birth<br>COMITANCILLO, SAN MARCOS, GUATEMALA                                                                                                                                                                                                                                     |  | Form: (Type and No.) <input checked="" type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |                      | By<br>See Narrative                                                                                                                                                                    |  |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        |  | Social Security Account Name                                                                                                 |                      | Status at Entry<br>PWA Other                                                                                                                                                           |  |
| Date Visa Issued                                                                                                                                                                                                                                                                                                       |  | Social Security Number                                                                                                       |                      | Status When Found<br>TRAVEL/SEEKING                                                                                                                                                    |  |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                         |  | Criminal Record<br>None Known                                                                                                |                      | Length of Time Illegally in U.S.<br>AT ENTRY                                                                                                                                           |  |
| Quality of Spouse (Maiden Name, if Appropriate)<br>[REDACTED]                                                                                                                                                                                                                                                          |  | Number and Nationality of Minor Children<br>CLAIMS 2 WITH SPOUSE                                                             |                      |                                                                                                                                                                                        |  |
| Date, Name, Address, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA                                                                                                                                                                                                                                        |  | Date, Name, Address, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA                                              |                      | (b)(6),(b)(7)(C)                                                                                                                                                                       |  |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                           |                      | Systems Checks<br>See Narrative                                                                                                                                                        |  |
| Name and Address of (Last)(Current) U.S. Employer                                                                                                                                                                                                                                                                      |  | Type of Employment                                                                                                           |                      | Salary<br>[REDACTED]                                                                                                                                                                   |  |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |                                                                                                                              |                      |                                                                                                                                                                                        |  |
| FINS: [REDACTED]                                                                                                                                                                                                                                                                                                       |  | Left Index fingerprint                                                                                                       |                      | Right Index fingerprint                                                                                                                                                                |  |
| [REDACTED]                                                                                                                                                                                                                                                                                                             |  | [REDACTED]                                                                                                                   |                      | [REDACTED]                                                                                                                                                                             |  |
| None                                                                                                                                                                                                                                                                                                                   |  |                                                                                                                              |                      |                                                                                                                                                                                        |  |
| ARRESTING AGENTS<br>[REDACTED]                                                                                                                                                                                                                                                                                         |  |                                                                                                                              |                      |                                                                                                                                                                                        |  |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                               |  |                                                                                                                              |                      |                                                                                                                                                                                        |  |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                     |  | (Date/Initials)                                                                                                              |                      | Deportation Officer<br>(Signature and Title of Immigration Officer)                                                                                                                    |  |
| Distribution:                                                                                                                                                                                                                                                                                                          |  | Received: (Subject and Documents) (Report of Interview)                                                                      |                      |                                                                                                                                                                                        |  |
| TO FILE                                                                                                                                                                                                                                                                                                                |  | Officer: [REDACTED]                                                                                                          |                      |                                                                                                                                                                                        |  |
| TO CIS                                                                                                                                                                                                                                                                                                                 |  | on: December 11, 2011 at 1201 (time)                                                                                         |                      |                                                                                                                                                                                        |  |
| TO [REDACTED]                                                                                                                                                                                                                                                                                                          |  | Disposition: Notice to Appear Detained (I-862)                                                                               |                      |                                                                                                                                                                                        |  |
|                                                                                                                                                                                                                                                                                                                        |  | Examine Officer: [REDACTED]                                                                                                  |                      |                                                                                                                                                                                        |  |

Form I-213 (Rev. 08/01/07)

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------|
| Alien's Name<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | File Number<br>(b)(6),(b)(7)(C) | Date<br>12/11/2011 |
| <div>(b)(6),(b)(7)(C)</div> <div>(b)(7)(E)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                 |                    |
| <p><b>Record of Deportable/Excludable Alien:</b><br/>On December 11, 2011 at approximately 1000 hours the Birmingham Fugitive Operations Team was in the area of (b)(6),(b)(7)(C) Fort Payne, AL 35976. The Team was searching for a fugitive alien. The fugitive was not found.</p> <p>The Team encountered the subject, later identified as (b)(6),(b)(7)(C) COC/COB GUATEMALA getting in to his car behind the residence. (b)(6),(b)(7)(C)</p> <p>The subject freely admitted to entering the United States illegally sometime in 2003 near Nogales, AZ. The subject admitted he had no immigration documents to enter or remain in the United States. The subject admitted he was a citizen of Guatemala.</p> <p>The subject gave the Team permission to enter his apartment and retrieve his Guatemalan passport # (b)(6),(b)(7)(C) expires (b)(6),(b)(7)(C).</p> <p>The subject claims to have one child that he is responsible for. That child is with his wife (b)(6),(b)(7)(C).</p> <p>The subject claims to be in good health and taking no medicine.</p> <p>The subject was arrested and transported to the Chattanooga, TN ICE office for further processing.</p> <p>The subject was advised of his right to call the Guatemalan Consulate [404-320-8804]. The call was made at 1517 no one answered.</p> <p>The subject then called his wife at approximately 1525 hours. The call was successful and lasted 3 minutes.</p> <p><b>IMMIGRATION HISTORY</b></p> <p>1 VR USBP 05/28/2003 AZ</p> <p><b>CRIMINAL HISTORY</b></p> <p>None found or claimed.</p> <p>... (CONTINUED ON NEXT PAGE)</p> |                                 |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Title<br>Deportation Officer    |                    |



3 of 3 Pages

(b)(6),(b)(7)(C)

U.S. Department of Homeland Security

Subject ID: [REDACTED]

Record of Deportable/Inadmissible Alien

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

|                                                                                                                                                                                                                                                                                                                        |                                                                                                                                 |                                                                                                                                                                                                                                             |                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| First [REDACTED] Middle [REDACTED]                                                                                                                                                                                                                                                                                     |                                                                                                                                 | (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)                                                                                                                                                                                                           |                            |
| Country of Citizenship<br>GUATEMALA                                                                                                                                                                                                                                                                                    | Passport Number and Country of Issue<br>[REDACTED]                                                                              | Occupation<br>SERVICE (b)(6),(b)(7)(C)                                                                                                                                                                                                      |                            |
| U.S. Address<br>PORT PAYNE, ALABAMA, 35967,                                                                                                                                                                                                                                                                            |                                                                                                                                 | Scars and Marks<br>SCAR FOREARM, RIGHT                                                                                                                                                                                                      |                            |
| Date, Place, Time, and Manner of Last Entry<br>Unknown Date, Unknown Time, UNK                                                                                                                                                                                                                                         |                                                                                                                                 | (b)(7)(E) <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated                                                 |                            |
| Number, Street, City, Province (State) and Country of Permanent Residence                                                                                                                                                                                                                                              |                                                                                                                                 | (b)(7)(E)                                                                                                                                                                                                                                   |                            |
| Date of Birth<br>[REDACTED] Age: 38                                                                                                                                                                                                                                                                                    | Date of Action<br>12/11/2011                                                                                                    | At/Near<br>FORT PAYNE, AL Date/Time<br>12/11/2011 1000                                                                                                                                                                                      |                            |
| City, Province (State) and Country of Birth<br>TEJUTLA, SAN MARCOS, GUATEMALA                                                                                                                                                                                                                                          | AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | By<br>See Narrative                                                                                                                                                                                                                         |                            |
| NIV Issuing Post and NIV Number                                                                                                                                                                                                                                                                                        | Social Security Account Name                                                                                                    | Status at Entry<br>PWA Other Status When Found<br>TRAVEL/SEEKING                                                                                                                                                                            |                            |
| Date Visa Issued                                                                                                                                                                                                                                                                                                       | Social Security Number                                                                                                          | Length of Time Illegally in U.S.<br>AT ENTRY                                                                                                                                                                                                |                            |
| Immigration Record<br>POSITIVE - See Narrative                                                                                                                                                                                                                                                                         |                                                                                                                                 | Criminal Record<br>None Known                                                                                                                                                                                                               |                            |
| Name, Address and Nationality of Spouse (Maiden Name, if Appropriate)<br>[REDACTED]                                                                                                                                                                                                                                    |                                                                                                                                 | Number and Nationality of Minor Children<br>CLAIMS ONE USC WITH SPOUSE                                                                                                                                                                      |                            |
| Father's Name, Nationality, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA                                                                                                                                                                                                                                 |                                                                                                                                 | Mother's Present and Maiden Names, Nationality, and Address, if Known<br>[REDACTED] NATIONALITY: GUATEMALA (b)(6),(b)(7)(C)                                                                                                                 |                            |
| Monies Due Property in U.S. Not in Immediate Possession<br>None Claimed                                                                                                                                                                                                                                                | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              | Systems Checks<br>See Narrative                                                                                                                                                                                                             | Id Words(s)                |
| Name and Address of (Last) Current U.S. Employer                                                                                                                                                                                                                                                                       | Type of Employment                                                                                                              | Salary                                                                                                                                                                                                                                      | Employed from to (b)(7)(E) |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |                                                                                                                                 |                                                                                                                                                                                                                                             |                            |
| Left Index fingerprint<br>[REDACTED]                                                                                                                                                                                                                                                                                   |                                                                                                                                 | Right Index fingerprint<br>[REDACTED] (b)(6),(b)(7)(C)                                                                                                                                                                                      |                            |
| None                                                                                                                                                                                                                                                                                                                   |                                                                                                                                 |                                                                                                                                                                                                                                             |                            |
| ARRESTING AGENTS<br>[REDACTED]                                                                                                                                                                                                                                                                                         |                                                                                                                                 |                                                                                                                                                                                                                                             |                            |
| ... (CONTINUED ON I-831)                                                                                                                                                                                                                                                                                               |                                                                                                                                 |                                                                                                                                                                                                                                             |                            |
| Alien has been advised of communication privileges                                                                                                                                                                                                                                                                     |                                                                                                                                 | (Date/Initials) [REDACTED] Deportation Officer (Signature and Title of Immigration Officer)                                                                                                                                                 |                            |
| Distribution:<br>TO FILE<br>TO CIS<br>TO DP0066                                                                                                                                                                                                                                                                        |                                                                                                                                 | Received: (Subject and Documents) (Report of Interview)<br>Officer: [REDACTED] (b)(6),(b)(7)(C)<br>on: December 11, 2011 at 1302 (time)<br>Disposition: Notice to Appear Detained (I-862)<br>Examining Officer: [REDACTED] (b)(6),(b)(7)(C) |                            |

Form I-213 (Rev. 08-01-07)

|                                                                                                                                                                                                                                                                           |                     |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------|
| (b)(6) (b)(7)(G)                                                                                                                                                                                                                                                          | File Number         | Date       |
| (b)(6), (b)(7)(C)                                                                                                                                                                                                                                                         |                     | 12/11/2011 |
| (b)(7)(E)                                                                                                                                                                                                                                                                 |                     |            |
| <b>Record of Deportable/Excludable Alien:</b><br>On December 11, 2011 at approximately 1000 hours the Birmingham Fugitive Operations Team was in the area of [REDACTED] Fort Payne, AL 35976. The Team was searching for a fugitive alien. The fugitive was not found.    |                     |            |
| (b)(6) (b)(7)(G) Permission to enter the residence was granted by [REDACTED] who is a resident of the apartment. [REDACTED] was encountered outside and allowed the Team entry to obtain his passport.                                                                    |                     |            |
| The Team encountered the subject, later identified as, [REDACTED] (b)(6), (b)(7)(C)<br>[REDACTED] GUATEMALA].                                                                                                                                                             |                     |            |
| The subject admitted that he was a citizen of Guatemala who had no documents to enter or remain in the United States. The subject further admitted he had entered the country illegally sometime 2001 near Douglas, AZ. The subject was placed under arrest at that time. |                     |            |
| (b)(6) (b)(7)(C) The subject has 1 USC child that was left with his spouse [REDACTED] (b)(6), (b)(7)(C)                                                                                                                                                                   |                     |            |
| The subject claims to be in good health and taking no medication.                                                                                                                                                                                                         |                     |            |
| (b)(6) (b)(7)(C) The subject had his Guatemalan Passport [REDACTED] expires [REDACTED] in his possession. (b)(6), (b)(7)(C)                                                                                                                                               |                     |            |
| The subject was transported to the ICE Office in Chattanooga, TN for processing.                                                                                                                                                                                          |                     |            |
| The subject was advised of his right to call the Guatemalan Consulate [404-320- (b)(6)] The call was made at 1517 and no one answered.                                                                                                                                    |                     |            |
| The subject then called his wife at approximately 1519 hours. The call was successful and lasted 3 minutes.                                                                                                                                                               |                     |            |
| <b>IMMIGRATION HISTORY</b><br>1 VR USBP 11/03/2001 AZ                                                                                                                                                                                                                     |                     |            |
| <b>CRIMINAL HISTORY</b><br>... (CONTINUED ON NEXT PAGE)                                                                                                                                                                                                                   |                     |            |
| Signature                                                                                                                                                                                                                                                                 | Title               |            |
| (b)(6) (b)(7)(C) [REDACTED]                                                                                                                                                                                                                                               | Deportation Officer |            |



3 of 3 Pages

# EXHIBIT 15

DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON

STATE OF ALABAMA

(b)(6),(b)(7)(C) I, [REDACTED] who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

(b)(6),(b)(7)(C) A. [REDACTED] Deportation Officer (DDO), GS 12

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. May 7, 2000.

Q. What is your current assignment and duty station?

A. Homewood, Alabama – DO with Fugitive Operations Team (FOT).

Q. How long have you worked in your current assignment at your current duty station?

A. November 22, 2009.

Q. Who is your first line supervisor?

(b)(6),(b)(7)(C) A. [REDACTED] Supervisory Detention and Deportation Officer (SDDO)

Q. Briefly describe your duties.

A. Deportation Officer assigned to FOT

Q. How many officers are on the FOT?

A. Five, including the supervisor.

Q. How long have you been in the FOT?

A. November 22, 2009.

(b)(6),(b)(7)(C) Affiant [REDACTED] Initial [REDACTED]

(b)(6),(b)(7)(C)



Q. When was the FOT created in Homewood, AL?

A. I believe it was created sometime in 2008. It was activated in December 2008.

Q. Approximately how many operations has the FOT done in Homewood since 2008?

A. I can only speak on the ones since I've been here and that's approximately 8 – 9 operations.

Q. Since the FOT started, have you had any complaints from the public?

A. No.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes, December 9 – 11, 2011.

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. It is taken care of by my supervisor.

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes.

Q. Where there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No.

Q. Are you aware of a memo dated January 19, 2010, from David J. Venturella, Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. Yes.

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant

Initials

2

the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes.

Q. Who prepares the FOW, and when is it prepared?

A. The Fugitive Operations Officers and it is prepared prior to the enforcement action.

Q. Does the person giving the consent to enter and/or search the residence sign the FOW giving authorization?

A. No.

Q. Is the person giving the FOT consent to enter or search required to sign any document showing consent?

A. No.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. I've never read the memo, but we adhere and practice it.

Q. Were there any juveniles encountered or arrested during "Operation Return to Sender?"

A. Encountered, but I did not arrest any juveniles.

Q. Would the FOT ever accept the consent of a juvenile to enter and/or search a residence?

A. Never. Our Fourth Amendment training tells us that allowed.

Q. Would the FOT members ever interview or interrogate a juvenile for information regarding the whereabouts of their parents or anyone?

A. No, we may ask a question "Is there an adult in the house?"

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant

Initials

3

subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo also discusses the requirements for Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a member of the Fugitive Operation Team (FOT) do you and other officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes, we receive the training every six months. Yes, this is what we sign when taking the training.

Q. How is this training conducted and what type of information is provided in the Fourth Amendment Training?

A. An attorney from OPLA has done the training in person and also through the VTC. They go over the guidelines as it relates to search and seizure such as knock and talks and scenarios and we give answers and they tell us if we answer correctly. Training on juvenile issues is also included.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Our supervisor puts out guidelines after memos come out. I am aware of the contents of this memo.

Q. To the best of your knowledge and belief, during "Operation Return to Sender" are you aware of any officer interrogating or questioning young children about the whereabouts of their parents?

A. No.

Q. To the best of your knowledge and belief, during "Operation Return to Sender", are you aware of any officer involved in this operation threaten to arrest children if those children did not disclose the whereabouts of their parents?

A. No.

Q. Prior to me contacting you, were you aware that there is an ICE, Office of Professional Responsibility (OPR) investigation regarding the FOT entering

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant

Initials

4



homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?

A. I was aware that an investigation was going to take place and I didn't discuss it with anyone. Upper management requested FOWs and wanted copies of the I-213s.

Q. When the FOT went to the addresses looking for targets, was this considered a knock and talk procedure?

A. Yes.

**Note:**

**The following will be questions regarding four address that you were directly involved with. Please provide the information to the best of your knowledge and belief.**

(b)(6),(b)(7)(C) [REDACTED] **FORT**  
**PAYNE, ALABAMA**

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to (b)(6),(b)(7)(C) [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C) A. Yes, we were looking for fugitive target (b)(6),(b)(7)(C) [REDACTED] I recall conducting surveillance in the area. I did not have direct eyes on the house and the vehicle. Over the radio, it was announced that someone came out of the house to warm up the vehicle; I believe it was the female. (b)(6),(b)(7)(C) [REDACTED] or (b)(6),(b)(7)(C) [REDACTED] stated over the radio that they had consent to enter the residence. Once I pulled up, the officers were already inside the residence. I went inside and noticed the female was in the kitchen. I started talking with the female to help console her. (b)(6),(b)(7)(C) [REDACTED] and (b)(6),(b)(7)(C) [REDACTED] were in the bedroom getting the target dressed. We explained to the wife what was going to take place and then we left the residence.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) [REDACTED] and myself. I do not remember (b)(6),(b)(7)(C) [REDACTED] being at that address. (b)(6),(b)(7)(C) [REDACTED]

(b)(6),(b)(7)(C) Affiant (b)(6),(b)(7)(C) [REDACTED] Initials (b)(6),(b)(7)(C) [REDACTED]

Q. What type of clothing were you and the other officers wearing, and did they identify themselves?

A. We were wearing khaki 511s, and our ICE issued body armor vests that have "ICE Police" on it. Our badge and weapon were visible. We identified ourselves as police or ICE.

Q. During the arrest, was there a black male officer who was tall and on the heavy side, with a light beard at the scene?

A. No.

Q. Was there proper language communication between all parties?

(b)(6),(b)(7)(C) A. Yes. I heard [redacted] or [redacted] speaking Spanish. The wife was speaking English.

Q. Who gave the FOT officers authorization to enter that residence?

A. I don't know.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [redacted] If so, who prepared it?

(b)(6),(b)(7)(C) A. There was one and it was [redacted] case, so he prepared it.

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

(b)(6),(b)(7)(C) A. The FOW says the subject, which is the target, and the witnesses are [redacted] and [redacted]

Q. Did the FOT ask for permission to enter the residence or was invited?

A. I don't know.

Q. Who gave the authorization to search the residence? Who witnessed?

A. I don't know.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. I don't know on this case, but based on our normal operational procedures consent is always freely and intelligently given.

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. I wasn't present, but the only two occupants were adults.

Q. Did anyone at the residence object to the FOT being inside the residence?

A. No, not at all while I was present.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an FOW and I-213.

Q. Did the report contain wording as to how FOT officers obtained consent to enter and search the residence?

A. Yes.

(b)(6),(b)(7)(C) Q. Which officers escorted [REDACTED] to the bedroom to obtain her documents?

A. I don't know. Once I arrived she already had her documents.

Q. Was anyone injured during the arrest?

A. No, I don't recall any injuries.

Q. Did you see any officer put their knee in [REDACTED] back while he was (b)(6),(b)(7)(C) being arrested?

A. No.

Q. Was any officer injured while making the arrest?

A. No.

(b)(6),(b)(7)(C) Q. Did [REDACTED] notify you or any other officer that he hurt his left Shoulder during the arrest? If so, who did he report it to?

A. No.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the operations target list?

A. Yes.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't remember.

(b)(6),(b)(7)(C)

Q. Which officer provided food to [REDACTED] in Chattanooga?

A. No, I don't remember.

(b)(6),(b)(7)(C)

Q. Upon arriving in Chattanooga, do you know if the officer threw a hamburger (Sandwich) on the floor toward [REDACTED] while he was being fed?

A. I wasn't there, but I didn't see or hear anything of that nature and as a member of the FOT we do not operate in that manner.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

(b)(6),(b)(7)(C)

A. Officer [REDACTED]

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by DeKalb County Sheriff's Office and transferred to DeKalb County Jail in Fort Payne, Alabama.

Q. Is there anything you would like to add?

A. No, not at this time.

**END QUESTIONS REGARDING the arrest of [REDACTED]**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**[REDACTED] Fort Payne, Alabama on December 10, 2011.**

(b)(6),(b)(7)(C)

**[REDACTED] RAINSVILLE,, ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Rainsville, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes, to locate fugitive alien [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant [REDACTED] Initials [REDACTED]

Q. What happened after you arrived at that residence? Explain in detail.

(b)(6),(b)(7)(C) A. We had done surveillance prior to that day. When we arrived that morning there was an additional vehicle there. [redacted] went to the door, [redacted] went around back and I was near the stairs. The wife, later identified as [redacted] (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) [redacted] answered the door, [redacted] explained who we were and that we were looking for someone, I don't remember his exact words, and asked how long has she lived there and who lives there with her. She stated that she lived there with her husband and with three children. [redacted] asked for permission to enter the residence and she said yes and let us in. (I was in position to hear [redacted] (b)(6),(b)(7)(C) request permission and she granting it). We then radio for [redacted] to come. (b)(6),(b)(7)(C) Once we entered the residence, [redacted] asked for permission to search the residence for the target.

(b)(6),(b)(7)(C) [redacted] did make contact with the husband (target) walking toward the living (b)(6),(b)(7)(C) room, and asked him for his identification. [redacted] determined that he was the (b)(6),(b)(7)(C) target [redacted]. We then explained to the wife that he was our target, and that once we transported him he would be able to contact her by phone. I do (b)(6),(b)(7)(C) remember that [redacted] escorted someone out to the vehicle to get identification, but I believe it was the husband.

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C) A. [redacted] [redacted] and myself.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing khaki 511s, and our ICE issued body armor vests that have "ICE Police" on it. Our badge and weapon were visible. We identified ourselves as police or ICE.

Q. Was there proper language communication between all parties?

A. Yes. The wife and husband spoke English.

Q. Which officer knocked on the front door of the residence?

(b)(6),(b)(7)(C) A. [redacted]

Q. Do you know who opened the front door?

A. The wife of the target.

Q. Who gave authorization to enter that residence? Was there Witnesses?

A. The wife gave authorization and I was the witness.

(b)(6),(b)(7)(C) Affiant [redacted]

Initials [redacted] (b)(6),(b)(7)(C)

Q. Did the FOT ask for permission to enter the residence or was invited?

(b)(6),(b)(7)(C) A. We asked for permission. I believe that [REDACTED] may have shown her the front page of the FOW with our target's information such as name, etc.

Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. No, she gave the consent freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes. She was living there.

Q. Did any FOT officer write a report to document the events that occurred at the residence?

A. Yes, an I-213 and FOW.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No.

(b)(6),(b)(7)(C) Q. Did the officers get permission to go into the bedroom and search where [REDACTED] was located? If so, who gave permission?

A. The wife gave us permission to look around the residence for our target.

Q. Was there a Field Office Work (FOW) Sheet prepared for [REDACTED]? If so, who prepared it? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) A. Yes, [REDACTED]

(b)(6),(b)(7)(C) Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No. Not that I am aware of.

(b)(6),(b)(7)(C) Affian [REDACTED]

Initials [REDACTED] (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. No. Not to me.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

(b)(6),(b)(7)(C)

A. I believe it was [REDACTED]

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C)

Q. Which officer fed [REDACTED] in Chattanooga?

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward Gaspar when he was fed?

A. No.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to the DeKalb County Jail in Fort Payne, Alabama, by DeKalb County Sheriff's Office.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list?

A. Yes.

Q. How many people were arrested from the residence that day?

A. He was the only one.

Q. Is there anything you would like to add?

A. These were nice people and very church going. They were very polite to us and we treated them in the same respect.

(b)(6),(b)(7)(C)

**END QUESTIONS FOR [REDACTED] RAINSVILLE,, ALABAMA**

(b)(6),(b)(7)(C)

Affiant [REDACTED]

Initials [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Payne, AL

Fort

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes, we were searching for ICE fugitive [REDACTED]

Q. Who were the officers present that day at that address?

A. Myself and [REDACTED]

Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were wearing khaki 511s, and our ICE issued body armor vests that have "ICE Police" on it. Our badge and weapon were visible. We identified ourselves as police or ICE.

Q. Upon arriving at the address, who was the first person that was encountered?

A. We were conducting surveillance at an address across the street where our target was supposed to live. While setting there, we noticed that occupants from that address left and entered the trailer at [REDACTED]. I later learned that five were kids and an adult male walked over. I went to [REDACTED] and there were 4 people standing outside putting baskets of clothing into a vehicle. I got out of my vehicle, and noticed [REDACTED] walking back with a male in handcuffs. This male was identified as [REDACTED]

We all identified ourselves as being from Immigration and asked them questions related to the occupants that walked from across the street. Everyone we talked to denied knowing them, although we observed 6 – 7 people from the target trailer going into their trailer. We began questioning the adults that were there and asked for identification. We found that [REDACTED] was a prior deport. He was taken into custody.

Q. [REDACTED] stated that before he could get back to his trailer two officers grabbed him and threw him to the ground right outside his front door of his trailer. [REDACTED] stated that when he hit the ground he cut his left cheek next to his eye on a board and was bleeding. Do you know if this occurred?

Affiant [REDACTED]

Initials [REDACTED]



A. No, I didn't see anything like that and didn't observe any injuries or cuts on his face. He never made any report of injuries to me.

(b)(6),(b)(7)(C) Q. [redacted] stated that after being handcuffed the officers then went into  
(b)(6),(b)(7)(C) his residence. [redacted] stated that the officers came into his residence,  
(b)(6),(b)(7)(C) and the male officers did the searching while the female officer stayed with him.  
[redacted] stated that the officers did not have permission to enter his residence.  
Do you know who gave the officers authorization to enter that residence?

A. I don't remember what brought us back into the house. I don't remember who gave permission. We went back into the house with [redacted] I do know something led us back into the house, it had something to do with his daughter who was asthmatic and they wanted him to talk with his daughter or something and since he was under arrest we escorted him inside to see his family. Once inside there were more individuals.

Q. Was there a Field Office Work (FOW) Sheet prepared for [redacted] If so, who prepared it?

A. No, he was not the target.

Q. When the door opened, who went into the residence first? Who followed?

A. I don't remember.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. Again, I do know something led us back into the house, it had something to do with his daughter who was asthmatic and they wanted him to talk with his daughter or something and since he was under arrest we escorted him inside to see his family. Once inside there were more individuals.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No coercion, they actually asked us to take them back inside.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he lived in the residence.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213.

(b)(6),(b)(7)(C) Affiant [redacted] initials [redacted]



Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. No.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No.

(b)(6),(b)(7)(C) Q. Was [REDACTED] injured during the arrest?

A. Nothing was reported to me and I did not observe any injuries.

Q. Was any officer injured while making the arrest?

A. Not that I know of.

(b)(6),(b)(7)(C) Q. Did [REDACTED] notify you or any other officer that he hurt his cheek? If so, who did he report it to?

A. Nothing was reported to me.

(b)(6),(b)(7)(C) Q. Was [REDACTED] on the operations target list?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't remember.

(b)(6),(b)(7)(C) Q. Which officer provided food to [REDACTED] in Chattanooga?

A. I don't remember.

(b)(6),(b)(7)(C) Q. Do you know if the officer threw a hamburger (Sandwich) on the floor toward [REDACTED] while he was being fed?

A. I did not observe anything. I wasn't present when they were fed.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

(b)(6),(b)(7)(C) A. Officer [REDACTED]

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to the DeKalb County Jail in Fort Payne, Alabama, by the DeKalb County Sheriff's Office.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

**END QUESTIONS REGARDING** [REDACTED]

(b)(6),(b)(7)(C)

**FORT PAYNE, AL**

I have read the foregoing statement consisting of 15 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 24th day of February 2012.

(b)(6),(b)(7)(C)

[REDACTED]  
AFFIANT

(b)(6),(b)(7)(C)

[REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

[REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

# EXHIBIT 17



DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON

STATE OF ALABAMA

(b)(6),(b)(7)(C)

I, [REDACTED] who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

(b)(6),(b)(7)(C)

A. [REDACTED] Deportation Officer, GS-12

Q. How long have you been employed by U.S. Immigration and Customs Enforcement (Federal Service)?

A. EOD Date 10/12/2008.

Q. What is your current assignment and duty station?

A. Fugitive Operations.

Q. How long have you worked in your current assignment at your current duty station?

A. Since 10/12/2008.

Q. Who is your first line supervisor?

(b)(6),(b)(7)(C)

A. [REDACTED]

Q. Briefly describe your duties.

A. Fugitive Operations.

Q. How many officers are on the FOT?

A. Currently 5.

Q. How long have you been a member of the FOT?

A. Since 10/12/2008.

(b)(6),(b)(7)(C)

Affiant

Initials

(b)(6),(b)(7)(C)

1

Q. When was the FOT created in Homewood, AL?

A. October 2008.

Q. Approximately how many operations has the FOT conducted in Homewood since 2008? How many have you been directly involved in?

A. Several, more than 8.

Q. Since the FOT started in December 2008, are you aware of any complaints from the public regarding the FOT?

A. Yes. What we hear in the paper, allegations of bullying and profiling.

Q. Were you directly involved in "Operation Return to Sender" in December 2011?

A. Yes.

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. I am not aware of the approval process. My SDDO told me it was approved.

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes. We have to come up with a target list.

Q. How many targets were on this operations list?

A. 35.

Q. Were there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. None of them were scheduled to participate. On occasion we may call them for assistance, or they will show up when called by someone else or they happen to be driving by.

Q. Are you aware of a memo dated January 19, 2010, from David J. Venturella, Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. Yes.

(b)(6),(b)(7)(C)

Affiant

[Redacted]

Initials

[Redacted]

2

(b)(6),(b)(7)(C)

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes.

Q. Who prepares the FOW, and when is it prepared?

A. It is prepared well in advance. It is prepared by the officer whose docket the subject is on. This is determined by the last three digits of the target's A#.

Q. Does the person giving the consent to enter and/or search the residence sign the FOW giving authorization?

A. No signature by the person giving the consent is needed. It lists the officer who obtains the consent and an officer to witness it.

Q. Is the person giving the FOT required to sign any document showing consent?

A. No.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. Yes.

Q. Were there any juveniles encountered during "Operation Return to Sender?"

A. Yes. We encountered juveniles at several locations.

Q. Would the FOT ever accept the consent of a juvenile to enter and/or search a residence?

A. As per the fourth amendment training that I receive on a regular basis a juvenile cannot give consent to enter a residence.



Q. Would the FOT members ever interview or interrogate a juvenile for information regarding the whereabouts of their parents or anyone?

A. I would not interview or interrogate a juvenile. Example: If you knock on a door and a juvenile answers you can ask them if their parents are home and if they could go get them.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo also discusses the requirements for Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a member of the Fugitive Operation Team (FOT) do you and other officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes.

Q. How is this training conducted and what type of information is provided in the Fourth Amendment Training?

A. OPLA attorney either in person or tele-conference. The type of material provided is 4<sup>th</sup> Amendment training and recent case law updates. Issues and procedures for "knock and talks" are also discussed. Juvenile issues are also covered.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. I am not 100% sure but I think I have seen the memo before.

Q. To the best of your knowledge and belief, during "Operation Return to Sender" are you aware of any officer interrogating or questioning young children about the whereabouts of their parents?

A. No we do not interrogate children.

Q. To the best of your knowledge and belief, during "Operation Return to Sender", are you aware of any officer involved in this operation threaten to arrest children if those children did not disclose the whereabouts of their parents?

A. No one ever threatens to arrest children.

Q. Prior to me contacting you, were you aware that there is an ICE, Office of Professional Responsibility (OPR) investigation regarding the FOT entering homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?

(b)(6),(b)(7)(C) A. Yes my supervisor [REDACTED] we were attempting to put the 213s together of the aliens we had arrested during the operation to respond to several inquiries from upper management.

Q. When the FOT went to the addresses looking for targets, was this considered a knock and talk procedure?

A. Yes.

**Note:**

**The following are questions regarding address that you were directly involved with. Please provide the information to the best of your knowledge and belief.**

(b)(6),(b)(7)(C) [REDACTED] SCOTTSBORO,  
ALABAMA

Q. Were you working on Saturday, December 9, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] (b)(6),(b)(7)(C)  
Scottsboro, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C) A. Yes, to arrest [REDACTED] because he was a target of the operation.

(b)(6),(b)(7)(C) Affiant [REDACTED]

initials [REDACTED]

(b)(6),(b)(7)(C) 5

Q. To the best of your knowledge, explain what took place at the residence, and how the FOT approached the residence?

A. We went to the residence to conduct a knock and talk. I was in the back of the residence and did not see who knocked on the door.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) A. I can't recall, but I think it was Officers [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

Q. What type of clothing were you and the officers wearing, and did you identify yourselves as ICE Officers?

A. We were all wearing our ICE vests. I usually wear my ICE badge on a chain. My weapon is in my holster. When we walk up to individuals we identify ourselves as police or ICE agents.

Q. Was there proper language communication between all parties?

A. Yes I was able to speak to the wife about the I-130.

Q. Explain how the idea of going into the residence came about?

A. I can't recall.

Q. Who opened the door to that residence? Who went in first and who followed?

A. I can't recall.

Q. Who gave the authorization for the FOT to enter that residence?

A. I can't recall.

Q. Did any officer from the FOT ask for permission to enter the residence or was invited?

A. I can't recall who obtained consent.

(b)(6),(b)(7)(C) Q. Was [REDACTED] under arrest outside of his residence or was he arrested in his residence?

A. I can't recall when the handcuffs were placed on him.

(b)(6),(b)(7)(C)

Affiant

Initials

6

(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)

Q. Did you place handcuffs on [REDACTED] or did you see any officer put handcuffs on him?

(b)(6),(b)(7)(C)

A. I don't recall if I cuffed him or [REDACTED] did.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. I can't answer that. We do not coerce people in to giving consent. If it is not freely given we don't enter.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. I can't recall.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. I don't recall anyone there objecting to us being inside the residence. If so, we would have left.

Q. Did anyone at the residence tell the FOT that they could not enter the residence?

A. No, if they did we would not go in.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

(b)(6),(b)(7)(C)

A. Yes [REDACTED] did on the I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. No it did not either on the I-213 or the FOW.

(b)(6),(b)(7)(C)

Q. Was there a FOW Sheet prepared for [REDACTED] If so, who prepared it?

(b)(6),(b)(7)(C)

A. Yes. [REDACTED]

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. No one.

Affiant

(b)(6),(b)(7)(C)

Initials

(b)(6),(b)(7)(C)

7

(b)(6),(b)(7)(C)

Q. Which officer(s) escorted the wife, [REDACTED] to her bedroom to obtain documents?

A. I can't recall. I can't even recall if she had to go to her bedroom.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the operations target list?

A. Yes #34.

Q. How many people were arrested at that residence?

A. As far as I know only him.

Q. Were any children interviewed or encountered at the residence?

A. We don't interview children. I can recall if any children were at the residence..

Q. Was anyone injured at the residence?

A. Not to my knowledge.

Q. Did you see anyone at the residence being mistreated by any officer?

A. I have never observed any officer mistreating anyone during this or any operation that I have been involved in.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. I can't recall.

(b)(6),(b)(7)(C)

Q. Which officer provided food to [REDACTED] in Chattanooga?

A. I do not know.

Q. Did you see any officer throw a hamburger (Sandwich) on the floor toward Grajeda while he was being fed in Chattanooga?

A. I was not there at that time.

Q. Where did the food come from to feed the detainees?

A. For this person I do not know.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

(b)(6),(b)(7)(C)

A. [REDACTED]

(b)(6),(b)(7)(C)

Affiant [REDACTED]

Initials [REDACTED]

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(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. I do not know.

Q. Is there anything you would like to add?

A. For whatever reason, I have very poor recollection of this particular event.

**END QUESTIONS REGARDING the arrest of [REDACTED]**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Scottsboro, Alabama on December 9, 2011.**

(b)(6),(b)(7)(C)

**[REDACTED] FORT  
PAYNE, ALABAMA**

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

A. Yes we did. To arrest the target [REDACTED]

(b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

A. Myself, SDDO [REDACTED] Officers [REDACTED] [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. What type of clothing were you and the other officers wearing, and did they identify themselves?

A. We were all wearing our ICE outer vest covers. We always identify ourselves as police or ICE Agents.

Q. Upon arriving at the address, explain what happened and who was the first person that was encountered?

A. According to my I-213 narrative the wife of the subject was encountered by Officers [REDACTED] and [REDACTED]. Those officers obtained consent from her to enter the residence.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant [REDACTED] Initials [REDACTED]

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(b)(6),(b)(7)(C)



Q. Explain what took place when you encountered [REDACTED]

(b)(6),(b)(7)(C)

A. I did not hear the conversation, so I can't answer this.

Q. Was there proper language communication between all parties?

A. We were able to communicate effectively with everyone.

Q. Who knocked on the door of the residence at [REDACTED]

(b)(6),(b)(7)(C)

A. From my position I could not see.

Q. Who opened the door to that residence?

A. I could not see.

Q. Upon opening the door, what was said?

A. I do not know.

Q. Who gave the FOT officers authorization to enter that residence?

A. Based upon what Officer [REDACTED] told me it was the wife, [REDACTED]

(b)(6),(b)(7)(C)

Q. Was there a FOW Sheet prepared for [REDACTED] If so, who prepared it?

A. Yes [REDACTED] worked up the target. I filled out page 2 of who gave consent. I put that the subject gave consent on the FOW and on the I-213 I have that the Officer [REDACTED] advising that the wife gave the consent to go talk with the subject. I probably made an error on the paper work.

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. On the FOW it says the subject [REDACTED] and [REDACTED] witnessed it. But the I-213 says [REDACTED] received permission from the Wife. (May be in error).

Q. The FOW says that the "subject" gave consent. Who is the subject?

A. [REDACTED] is the subject. I am basing my I-213 narrative and page 2 of the FOW from notes that I took in the field before processing the subject and writing the narrative much later in the day. I believe I

Affiant [REDACTED]

initials [REDACTED]

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(b)(6),(b)(7)(C)

may have made an error as to who gave permission to enter. This information was given to me by other officers and I did not clarify this oversight.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. I do not know.

Q. Who gave the authorization to search the residence? Who witnessed?

A. I do not know.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. I do not know, I was not around when it was given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Well, they both live there at the residence.

Q. Did anyone at the residence object to the FOT being inside the residence?

A. No.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, I did the I-213 and completed the second page of the FOW.

Q. Did the report contain wording as to how FOT officers obtained consent to enter and search the residence?

A. Yes, I documented who was encountered based upon information given to me by other officers.

Q. When the door opened, who went into the residence first? Who followed?

A. I did not see who went in first.

(b)(6),(b)(7)(C) Q. Which officers escorted [REDACTED] to the bedroom to obtain her documents?

A. I can't recall. I did not even know she went to her bedroom.

(b)(6),(b)(7)(C)

Affiant

Initials

11

(b)(6),(b)(7)(C)

Q. Was there an altercation between FOT officers and [REDACTED] ?  
What happened?

(b)(6),(b)(7)(C)

A. We were in a back bedroom and the target was holding his keys. He was told by other Officers to drop his keys and put his hands behind his back. He refused. Officers [REDACTED] and [REDACTED] each grabbed an arm and attempted to handcuff the subject. He resisted. I walked across his bed and grabbed the subject by the shoulders and brought him down to his knees with his head on the bed and handcuffed the subject with the help of Officers [REDACTED] and [REDACTED]. Officer [REDACTED] was there and was watching the wife.

(b)(6),(b)(7)(C)

Q. Was anyone injured during the arrest?

A. To my knowledge no.

Q. Did you see any officer put their knee in [REDACTED] back while he was being arrested?

A. No.

Q. Was any officer injured while making the arrest?

A. No.

Q. Did [REDACTED] notify you or any other officer that he hurt his left Shoulder during the arrest? If so, who did he report it to?

A. No.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

Q. Was [REDACTED] on the operations target list?

A. Yes.

Q. Which officer transported [REDACTED] to Chattanooga?

A. I did.

Q. Which officer provided food to [REDACTED] in Chattanooga?

A. I bought Burger King Hamburgers for the three prisoners that I transported that day. I paid for the food from my own money and was not reimbursed. I never asked. I was just being nice and I knew they were hungry. This was on a

Affiant [REDACTED]

Initials [REDACTED]

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(b)(6),(b)(7)(C)



weekend and the contractor that normally would feed the detainees was closed. I felt that they need something to eat so I fed them.

Q. Upon arriving in Chattanooga, do you know if the officer threw a hamburger (Sandwich) on the floor toward Argueta while he was being fed?

A. I handed out hamburgers to some detainees, and possibly I may have tossed a bag of food to some. I was by myself at the time standing in the door way, and did not want to put myself in a position of harm. I merely wanted to feed them, but in a safe way. At no time did I ever throw a bag of hamburgers at any detainee.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

A. I did.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL. Dekalb County Sheriff's Office is contracted by ICE for transportation.

Q. Is there anything you would like to add?

A. No

**END QUESTIONS REGARDING the arrest of [REDACTED]**  
**[REDACTED] Fort Payne, Alabama on December 10, 2011.**

(b)(6),(b)(7)(C) [REDACTED] **FORT PAYNE,**  
(b)(6),(b)(7)(C) **ALABAMA and [REDACTED] FORT PAYNE,**  
**ALABAMA**

(b)(6),(b)(7)(C) Q. On December 10, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C) A. At the time, we had reason to believe that our target [REDACTED] lived at that residence.

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED] 13

Q. Explain what took place when you arrived at that residence and include how the residence was approached?

A. We encountered a lawful permanent resident, [REDACTED] he invited us into his residence and we talked to him. He was the occupant of the residence. We asked him questions about [REDACTED] and his current whereabouts. I told him that I was looking for another target that was associated with [REDACTED]. It appeared to me that they, the LPR and [REDACTED] were friends, because the LPR was letting the target use his address for mailing purposes. I did not want the LPR to know that I wanted to arrest his friend, the target. He stated that he knew our target and offered to take us to his residence.

Q. Who were the officers present that day at that residence?

A. Officers [REDACTED] and Officer [REDACTED] and myself, to the best of my recollection.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing our ICE outer vest covers. My badge was showing and my weapon was visible. We always identify ourselves as police or ICE agents.

Q. Was there proper language communication between all parties?

A. We were able to communicate with him in English and in Spanish.

Q. Who gave the officers authorization to enter the residence at [REDACTED]?

[REDACTED] Who is the LPR owner?

A. The LPR owner [REDACTED]. The authorization was given to me.

Q. Did [REDACTED] take you over to [REDACTED] Fort Payne, Alabama? If so, why?

A. Yes he did as stated above.

Q. What took place when you arrived at that residence [REDACTED]? Explain in detail.

A. We knocked on the door of the residence and no one answered. As we were leaving the target [REDACTED] and his wife, [REDACTED] arrived at the residence in their vehicle. We approached them and asked him if he was [REDACTED] and he replied he was.

Affiant [REDACTED]

Initials [REDACTED]

14



(b)(6),(b)(7)(C) [redacted] was also identified as an illegal alien and when her  
(b)(6),(b)(7)(C) identification was checked she was also an ICE fugitive. [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] claimed to have documentation in his residence to show his case had been  
re-opened. [redacted] also claimed to have immigration paper work  
in her residence.

(b)(6),(b)(7)(C) They both gave consent and we all entered the trailer. [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] was telling the truth and produced documents showing that he had a recent  
court date. He claims he went to it and he had paper work showing his case was  
reopened. Based on this information, he was not taken into custody. [redacted] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [redacted] had no paperwork showing legal status and she was arrested.  
(b)(6),(b)(7)(C) Their son, [redacted] was encountered by other FOT somewhere in the  
trailer. I do not know who encountered him. Upon checking his alienage it was  
discovered that [redacted] was illegally in the United States and was  
arrested. I transported him, his mother and [redacted] (b)(6),(b)(7)(C)  
to Chattanooga for processing.

Q. Was there proper language communication between all parties?

A. Yes. We communicated in English and Spanish. [redacted] was (b)(6),(b)(7)(C)  
fluent in both English and Spanish and was helpful in translating for us. We  
made sure that everyone had a understanding of what was taking place with the  
language barrier.

Q. Who gave the permission to enter the residence [redacted]? (b)(6),(b)(7)(C)  
Were there any witnesses?

(b)(6),(b)(7)(C) A. I did not specify in my document to whom, but both [redacted] (b)(6),(b)(7)(C)  
[redacted] and his wife gave the permission. All of the FOT was present.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. The FOT asked for permission to enter based on the information of both  
subjects claiming to have documentation in their residence.

Q. Was the person giving the consent under any duress or coercion, express or  
implied, and was freely and intelligently given?

A. No there was no coercion and their consent was freely given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, they both were.

(b)(6),(b)(7)(C) Affian [redacted] Initials [redacted] 15 (b)(6),(b)(7)(C)



Q. Did any FOT officers write a report to document the events that occurred at the residence?

(b)(6),(b)(7)(C) A. Yes, I wrote the I-213 [redacted] which described the  
(b)(6),(b)(7)(C) encountering of [redacted] and [redacted] (b)(6),(b)(7)(C)

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, not to my knowledge.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [redacted]? If so, who prepared it?

A. No, she was not a target so a FOW would not be provided for her. Her husband who was the target had an FOW, but he was not arrested.

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. The FOW for the husband lists no one.

Q. Who opened the front door to the residence?

A. I don't know.

Q. When the door opened, who went in the residence first? Who followed?

A. I do not recall.

Q. Was anyone injured at the residence?

A. Not to my knowledge.

Q. Were any juveniles interviewed or encountered at the residence?

A. No, we do not interview or interrogate juveniles. We did not address any juveniles at this address.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I did. I bought Burger King Hamburgers for the three prisoners I transported that day. I paid for it the food from my own money.

(b)(6),(b)(7)(C) Q. In Chattanooga, do you know if the officer threw a Sandwich on the floor toward [REDACTED] when she was fed?

A. I handed out hamburgers to some detainees, and possibly I may have tossed a bag of food to some. I was by myself at the time standing in the door way, and did not want to put myself in a position of harm. I merely wanted to feed them, but in a safe way. At no time did I ever throw a bag of hamburgers at any detainee.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. She and her son was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL.

(b)(6),(b)(7)(C) Q. Did [REDACTED] or her son get injured during the arrest?

A. No, not to my knowledge.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) **End questions regarding [REDACTED]**  
**Fort Payne, Alabama.**

(b)(6),(b)(7)(C) Affiant [REDACTED]

Initials [REDACTED]

(b)(6),(b)(7)(C) 17

(b)(6),(b)(7)(C)

[REDACTED] **FORT**  
**PAYNE, ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. Yes. We were looking for a fugitive target (Name I don't remember). The target was not found. I do not recall the name of the target at this time.

Q. Who were you looking for at that residence?

A. I do not recall at this time.

Q. What happened after you arrived at that residence? Explain in detail.

(b)(6),(b)(7)(C)

A. We encountered a subject named [REDACTED] by his vehicle. The subject was approached by the team and it was determined that he was an illegal alien. [REDACTED] gave the team permission to enter his residence to obtain his passport. The team and [REDACTED] then entered his apartment.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Upon entering the residence the team encountered [REDACTED] and determined he was an illegal alien as well. I do not recall who spoke to [REDACTED] first. I do not recall in what order we entered the residence. I do not recall who first encountered [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Who were the officers present at that address?

(b)(6),(b)(7)(C)

A. Officers [REDACTED] [REDACTED] [REDACTED] [REDACTED] and myself.

(b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing our ICE outer vest covers.

Q. Was there proper language communication between all parties that day?

A. Yes we communicated in English and mostly Spanish.

Q. Who gave the officers authorization to enter that residence?

(b)(6),(b)(7)(C)

A. I documented on my I-213 that [REDACTED] gave the Team permission to enter his residence. I did not document who specifically he gave it to. At this time, almost three months later, I cannot recall.

(b)(6),(b)(7)(C)

Affian [REDACTED]

Initials [REDACTED]

18

(b)(6),(b)(7)(C)



Q. Did the FOT ask for permission to enter the residence or was invited?

A. The common practice from the team is to ask for permission to enter the residence.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. No, not under any coercion. It was given freely or we would not have entered.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes he lived there.

Q. Did any FOT agents write a report to document the events that occurred at the residence?

A. Yes in the I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. No. Not in specific detail.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, not to my knowledge.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [REDACTED] If so, who prepared it?

A. No, he was not the target.

(b)(6),(b)(7)(C) Q. Once inside the residence, which officer knocked on the bedroom door of [REDACTED]?

A. I do not recall.

(b)(6),(b)(7)(C) Q. Did the officers search the bedroom of [REDACTED]? If so, did he give permission to search his bedroom?

A. I don't even know if it was searched. I do not recall. It is the common practice to ask the person who is in the bedroom for permission.

(b)(6),(b)(7)(C)

Affiant

Initials

19

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Did [REDACTED] an officer that he had an injury that he received during the arrest? If so, who was the officer?

A. No, not to my knowledge.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C)

Q. Did [REDACTED] stated that the handcuffs that were placed on him were too tight?

A. Not to me.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. To the best of my recollection I believe that I did.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C)

Q. Which officer fed [REDACTED] in Chattanooga?

A. I did.

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was being fed?

(b)(6),(b)(7)(C)

A. Again, I handed out hamburgers to some detainees, and possibly I may have tossed a bag of food to some. I was by myself at the time standing in the door way, and did not want to put myself in a position of harm. I merely wanted to feed them, but in a safe way. At no time did I ever throw a bag of hamburgers at any detainee.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list for this operation?

A. No.

(b)(6),(b)(7)(C)

Affiant

Initials

20

(b)(6),(b)(7)(C)

Q. How many people were arrested from that residence that day?

A. I do not recall.

Q. Were any juveniles interviewed or encountered at the residence?

A. No.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) **END QUESTIONS**

(b)(6),(b)(7)(C) **FORT PAYNE, ALABAMA.**

(b)(6),(b)(7)(C) **FORT PAYNE, ALABAMA**

(b)(6),(b)(7)(C) Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama?** If so, what was the purpose?

A. We went their looking for a fugitive target that was not found to be at the residence.

Q. What happened after you and the officers arrived at that residence? Explain How you approached the residence?

(b)(6),(b)(7)(C) A. We encountered a subject named (b)(6),(b)(7)(C) at his vehicle. The subject was approached by the team. I believe that I spoke to him and based on the information he provided I determined he was in the United States illegally.

(b)(6),(b)(7)(C) Later, (b)(6),(b)(7)(C) advised us that he had a passport inside his residence. He gave the FOT permission to enter his residence to obtain his passport. The FOT and (b)(6),(b)(7)(C) then entered his apartment to obtain his passport.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) A. Officers (b)(6),(b)(7)(C), (b)(6),(b)(7)(C), (b)(6),(b)(7)(C) and myself.

(b)(6),(b)(7)(C) Affiant (b)(6),(b)(7)(C) Initials (b)(6),(b)(7)(C) 21



Q. What were the officers wearing that day and did they ID themselves?

A. ICE outer vest covers. My badge was displayed and so was my weapon. The FOT always identify ourselves as police or ICE agents.

Q. Was there language communication between all parties?

A. Yes, mostly in Spanish.

(b)(6),(b)(7)(C) Q. Where was the vehicle located that [REDACTED] was getting in to? Was it in the front of his apartment or the rear? Was he in the vehicle or was he getting inside the vehicle?

A. The vehicle was sitting in the parking lot near his apartment. Which is considered front or back depending on how you enter.

(b)(6),(b)(7)(C) Q. Which officer initially spoke with [REDACTED]? In what language did they speak?

A. I believe it was me, and I started off the conversation in English and when he did not understand I spoke in Spanish.

Q. Who were the officers that went to the residence and knocked on the door?

(b)(6),(b)(7)(C) A. I believe Officers [REDACTED] and [REDACTED] were heading up the stairs ahead of me and the subject. But, who knocked on the door I don't know.

Q. What happened when the officer knocked on the front door?

A. I was in the area, but I can't recall.

Q. Who gave the officers authorization to enter that residence?

(b)(6),(b)(7)(C) A. It was [REDACTED] he gave it to all of us.

Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. No, he was not under coercion and the consent was freely given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes he lived at the residence.

Q. Did any FOT officers write a report or made any entry by dictation or otherwise to document the events that occurred at the residence?

A. Yes, I wrote the I-213 narrative.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, not to my knowledge.

(b)(6),(b)(7)(C) Q. Was there a FOW-Sheet prepared for [REDACTED]? If so, who prepared it?

A. No, he was not a target.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I believe that I did.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Do you know which officer fed [REDACTED] in Chattanooga?

A. I bought him a hamburger from Burger King.

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed? (b)(6),(b)(7)(C)

A. I fed him and no food was thrown

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL.

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED] 23 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list for the operation?

A. No.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

**END QUESTIONS FOR**

(b)(6),(b)(7)(C)

**FORT PAYNE, ALABAMA.**

(b)(6),(b)(7)(C)

**FORT PAYNE,**  
**ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. We were looking for fugitive on our target list, but was not found. I do not recall the name of the target.

Q. What happened after you arrived at the residence? How did you approach the residence?

(b)(6),(b)(7)(C)

A. We pulled up in the driveway. I went and covered the side of the house. I observed Officers [REDACTED] and [REDACTED] talking to the subject. As I was approaching, he gave us all consent to enter. He said words to the effect of verbally inviting us into his residence.

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C)

A. Officers [REDACTED] and myself.

Q. What were the officers wearing that day, and did they identify themselves?

A. Outer ICE vest covers. We had our badges and we identify ourselves as police and or ICE agents.

Q. Was there proper language communication between all parties?

A. Yes, mostly in Spanish.

(b)(6),(b)(7)(C)

Affiant

Initials

24

(b)(6),(b)(7)(C)



Q. Which officer knocked on the front door of the residence?

A. I do not recall.

Q. Do you know who opened the front door?

A. I assumed that the subject did.

Q. Who gave authorization to enter that residence? Was there Witnesses?

(b)(6),(b)(7)(C) A. The subject [REDACTED] as witnessed by myself, [REDACTED] and [REDACTED] (b)(6),(b)(7)(C)

Q. Did the FOT ask for permission to enter the residence or was invited?

A. One of the other officers asked for permission and the subject granted it.

Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. He was not under coercion and he gave his consent freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he lived at that residence.

Q. Did any FOT officer write a report to document the events that occurred at the residence?

(b)(6),(b)(7)(C) A. Officer [REDACTED] on the I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes, she documented the entry and consent information.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, he was the only one present.

Q. Did you or any other officer see a photo of two females in a picture frame setting on a television set inside the residence?

A. I don't recall seeing the picture. I was not looking at photos.

(b)(6),(b)(7)(C)

Affiant

Initials

25

(b)(6),(b)(7)(C)

Q. Did you or any officer make a comment about the two young girls in the photo such as "that is two good looking pussies?"

A. I did not say that comment nor did I hear that comment made by any other officer. I believe that those comments would be unprofessional.

Q. Did you or any other officer use the restroom in the residence before leaving?

A. I do not recall. Maybe I did.

Q. Did you or any other officer say that you were going to take him to get fingerprints, and then bring him back home?

A. We told him we were going to take his fingerprints and it was possible he could return home depending on what his criminal history was. IAFIS was down for most of the operation. IAFIS checks fingerprints through NCIC.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [REDACTED]? If so, who prepared it?

A. No because he was not the target.

(b)(6),(b)(7)(C) Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No, not to my knowledge.

Q. Was any juvenile interviewed or encountered at the residence?

A. No. It was just him and no children were present.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C) Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. Not to me. If he had they would have been adjusted.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't know.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C) A. According to the I-213, Officer [REDACTED]

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials [REDACTED] 26

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Which officer fed [REDACTED] in Chattanooga?

A. I did from the food that I purchased.

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed?

(b)(6),(b)(7)(C)

A. Again, I handed out hamburgers to some detainees, and possibly I may have tossed a bag of food to some. I was by myself at the time standing in the door way, and did not want to put myself in a position of harm. I merely wanted to feed them, but in a safe way. At no time did I ever throw a bag of hamburgers at any detainee.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list?

A. No.

Q. Is there anything you would like to add?

A. No.

(b)(6),(b)(7)(C)

**END QUESTIONS FOR** [REDACTED]

(b)(6),(b)(7)(C)

**FORT PAYNE, ALABAMA**

(b)(6),(b)(7)(C)

**RAINSVILLE,, ALABAMA**

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Rainsville, Alabama? If so, what was the purpose?

A. Presently I have no recollection of being at this residence. I do not recall doing any other surveillances that morning. I see that I am listed on the I-213 as being present. The arrest time was 0630 hours. This would indicate that this was probably our first or second target house of the day. I probably was present, but nothing of any significance comes to my mind.

Q. What happened after you arrived at that residence? Explain in detail.

A. I have no recollection of this case.

(b)(6),(b)(7)(C)

Affiant [REDACTED]

Initials [REDACTED]

27

(b)(6),(b)(7)(C)



Q. Who were all the officers present that day at that address?

A. I have no recollection.

Q. What were the officers wearing that day, and did they identify themselves?

A. If I was there, I would be wearing my outer ICE vest cover.

Q. Was there proper language communication between all parties?

A. Since I have no recollection of this case, I can't answer this question.

Q. Which officer knocked on the front door of the residence?

A. I have no recollection.

Q. Do you know who opened the front door?

A. I do not know.

Q. What happened after the front door was opened?

A. I do not know.

Q. Who gave authorization to enter that residence?

A. I have no recollection of this case so I can't answer this.

Q. Did the FOT ask for permission to enter the residence or was invited?

A. I have no recollection.

Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. As a member of the FOT, we ensure that consent is always given freely and without coercion.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. I can't answer this question.

(b)(6),(b)(7)(C)

Affiant

Initials

28

(b)(6),(b)(7)(C)

Q. Did any FOT officers write a report to document the events that occurred at the residence?

(b)(6),(b)(7)(C) A. Yes, an I-213 and the second page of the FOW were completed by Officer [REDACTED]

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. By looking at the I-213, Yes.

Q. Did anyone at the residence object to the FOT officers entering and or conducting a search of the residence?

A. If they would have the FOT would have left the residence. I can not answer this question.

(b)(6),(b)(7)(C) Q. Did the wife, [REDACTED] speak English?

A. I don't know.

(b)(6),(b)(7)(C) Q. Did an officer ask [REDACTED] if they could come inside and she said no?

A. I have no recollection, so I do not know.

(b)(6),(b)(7)(C) Q. Did any officer threaten [REDACTED] to tell the truth or they will take her, and she replied the officer could not take her because she was legal?

A. No FOT officer would threaten her or anyone in that manner.

Q. What happened after the officers entered the residence?

A. I have no recollection of the case.

(b)(6),(b)(7)(C) Q. Did the officers get permission to go into the bedroom and search where [REDACTED] was located? If so, who gave permission?

A. I do not know.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [REDACTED]? If so, who prepared it?

(b)(6),(b)(7)(C) A. Yes, Office [REDACTED] created the FOW. Officer [REDACTED] completed the second page. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant

Initials

29

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. To the best of knowledge and belief no one complained of any injuries.

Q. Did any officer interview or encountered any juvenile at the residence?

A. No.

Q. Did you see anyone at the residence being mistreated by any officer?

A. I do not recall anyone being mistreated during the operation at all.

(b)(6),(b)(7)(C)

Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. If he had a complaint the handcuffs would have been adjusted.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

A. I do not know.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C)

A. According to the I-213 it was Officer [REDACTED]

(b)(6),(b)(7)(C)

Q. Which officer provided [REDACTED] with food in Chattanooga?

(b)(6),(b)(7)(C)

A. I have no recollection of feeding [REDACTED] I believe that I would have been the one to feed him. I fed every detainee that day, as far as I can remember.

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed?

(b)(6),(b)(7)(C)

A. We would not have thrown a sandwich at anyone.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was picked up by the Dekalb County Alabama Sheriff's Office and transported to their jail in Fort Payne, AL.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list?

A. He is #16 on the target list.

(b)(6),(b)(7)(C)

Affiant

Initials

30

(b)(6),(b)(7)(C)



Q. How many people were arrested from the residence that day?

A. I have no recollection.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) END QUESTIONS FOR [REDACTED] RAINSVILLE,,  
ALABAMA

Q. Any further comments you wish to make?

A. No, not at this time. But if I can think of anything else I will give you a call.

I have read the foregoing statement consisting of 31 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 21st day of February 2012.

(b)(6),(b)(7)(C) [REDACTED]  
AFFIANT

(b)(6),(b)(7)(C) [REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C) [REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C) Affiant [REDACTED] Initials \_\_\_\_\_ 31

Prepared by:

Date:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED]

[REDACTED] = [REDACTED]

gave consent to go talk  
w/ husband. Husband allowed them  
inside.

Subj would not give up keys -  
tried to walk out of bedroom to give wife  
keys.  
Officer put his knee in his back.

# EXHIBIT 2



## FIELD OFFICE: New Orleans

RTS

DATE SUBMITTED: 11/18/2011

NUMBER OF TARGETS: 20

| Target #          | A- Number | Last Name | First Name | Gender | DOB | Nationality | FBI Number | Criminal | Priority Tier | Priority Level | List Criminal Conviction       |
|-------------------|-----------|-----------|------------|--------|-----|-------------|------------|----------|---------------|----------------|--------------------------------|
| (b)(6), (b)(7)(C) |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 2                 |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 3                 |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 4                 |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 5                 |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 6                 |           |           |            | M      |     | MEXICO      | NONE       | NO       | 1             | 4              | NONE                           |
| 7                 |           |           |            | M      |     | GUATE       | 973651CD0  | NO       | 1             | 4              | NONE                           |
| 8                 |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 9                 |           |           |            | M      |     | GUATE       | 787175NA6  | YES      | 1             | 2              | Resisting arrest, DUI, Battery |
| 10                |           |           |            | M      |     | MEXICO      | 196984VC9  | NO       | 1             | 4              | NONE                           |
| 11                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 12                |           |           |            | M      |     | NICAR       | 706177HC1  | NO       | 1             | 4              | NONE                           |
| 13                |           |           |            | F      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 14                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 15                |           |           |            | M      |     | EL SAL      | NONE       | NO       | 1             | 4              | NONE                           |
| 16                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 17                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 18                |           |           |            | M      |     | MEXICO      | NONE       | NO       | 1             | 4              | NONE                           |
| 19                |           |           |            | M      |     | GUATE       | 95906PA6   | YES      | 1             | 2              | Poss of Controlled Substance   |
| 20                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 21                |           |           |            | M      |     | MEXICO      | NONE       | YES      | 1             | 3              | Allowing a minor to drive      |
| 22                |           |           |            | M      |     | HONDU       | 633863AC6  | NO       | 1             | 4              | NONE                           |
| 23                |           |           |            | F      |     | EL SAL      | 695430DB9  | NO       | 1             | 4              | NONE                           |
| 24                |           |           |            | M      |     | HONDU       | 567908HC8  | NO       | 1             | 4              | NONE                           |
| 25                |           |           |            | M      |     | EL SAL      | 423938PB8  | NO       | 1             | 4              | NONE                           |
| 26                |           |           |            | M      |     | MEXICO      | NONE       | NO       | 1             | 4              | NONE                           |
| 27                |           |           |            | F      |     | HONDU       | NONE       | NO       | 1             | 4              | NONE                           |
| 28                |           |           |            | F      |     | MEXICO      | 021663AB3  | NO       | 1             | 4              | NONE                           |
| 29                |           |           |            | F      |     | GUATE       | 142300NC0  | NO       | 1             | 4              | NONE                           |
| 30                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 31                |           |           |            | M      |     | GUATE       | 182078HC5  | NO       | 1             | 4              | NONE                           |
| 32                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 33                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
| 34                |           |           |            | M      |     | MEXICO      | NONE       | NO       | 1             | 4              | NONE                           |
| 35                |           |           |            | M      |     | GUATE       | NONE       | NO       | 1             | 4              | NONE                           |
|                   |           |           |            |        |     |             |            |          |               |                |                                |
|                   |           |           |            |        |     |             |            |          |               |                |                                |
|                   |           |           |            |        |     |             |            |          |               |                |                                |

## RTS

NUMBER OF TARGETS: 20

2014FOIA01578 006014

RTS

**NUMBER OF TARGETS: 20**

[illegible]



FIELD OFFICE: New Orleans  
RTS  
DATE SUBMITTED: 11/18/2011  
NUMBER OF TARGETS: 20

| Prosecution Pre-Approved? |
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# EXHIBIT 21

DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON

STATE OF ALABAMA

(b)(6),(b)(7)(C) I, [REDACTED] who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

(b)(6),(b)(7)(C) A. [REDACTED] Deportation Officer, GS-12

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. 5 years with ICE. I have been employed with the government since 1999.

Q. What is your current assignment and duty station?

A. Homewood, Alabama – Deportation Officer

Q. How long have you worked in your current assignment at your current duty station?

A. Since November 2008.

Q. Who is your first line supervisor?

(b)(6),(b)(7)(C) A. [REDACTED] Supervisory Detention and Deportation Officer (SDDO)

Q. Briefly describe your duties.

A. I am a deportation officer currently assigned to the FOT.

Q. How many officers are on the FOT?

A. Four plus a supervisor.

Q. When was the FOT created in Homewood, AL?

A. In late 2008.

Affiant

Initial

1

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



Q. Approximately how many operations has the FOT done here in Homewood since 2008?

A. Approximately 10 – 12 operations.

Q. Since the FOT got started in December 2008, have you had any complaints from the public?

A. Not that I'm aware of.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes, I was directly involved. The dates were December 9 – 11, 2011.

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes it was. I don't know the exact procedure. [REDACTED] handles that.

(b)(6),(b)(7)(C)

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes.

Q. Were there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No.

Q. Are you aware of a memo dated January 19, 2010, from David J. Venturella, Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. I am aware of the information in the memo, but I am unsure if I actually read the memo before.

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an

Affiant

Initials

2

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. I am aware of that requirement.

Q. Who prepares the FOW, and when is it prepared?

A. Our dockets are divided by A numbers, so whoever is responsible for that docket prepares that FOW. They can be prepared at any time before the actual operation, it's up to the Officer.

Q. Does the person giving the consent to enter and/or search the residence sign the FOW giving authorization?

A. No.

Q. Is the person giving the FOT consent to enter or search required to sign any document showing consent?

A. No.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. I have seen this memo. I think we went over this memo in Fugitive Operations Training Program.

Q. Were there any juveniles encountered or arrested during "Operation Return to Sender?"

A. There were juveniles at almost every house that we went to, but none were arrested.

Q. Would the FOT ever accept the consent of a juvenile to enter and/or search a residence?

A. No, because they are not of age to give consent and not the owners of the house. We learned this procedure through our fourth amendment training.

Q. Would the FOT members ever interview or interrogate a juvenile for information regarding the whereabouts of their parents or anyone?

A. No, but we have asked juveniles where their parents are. There is no interrogation, only questions regarding their age and where their parents are.

Affiant

[Redacted]

Initials

[Redacted]

3

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo also discusses the requirements for Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a member of the Fugitive Operation Team (FOT) do you and other officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes we do. We receive it every six months. If we haven't had the training every six months, we are offered the training prior to any operation that comes up.

Q. How is this training conducted and what type of information is provided in the Fourth Amendment Training?

A. In person with an OPLA attorney or a teleconference on the screen (VTC). Some of the information received is how to conduct "knock and talks", documentation required when gaining consent, and juvenile scenarios.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Q. To the best of your knowledge and belief, during "Operation Return to Sender" are you aware of any officer interrogating or questioning young children about the whereabouts of their parents?

A. To my knowledge no officer interrogated or interviewed any young children during this operation. We may have asked them "Where are your parents?" or "Go get your parents."

Q. To the best of your knowledge and belief, during "Operation Return to Sender", are you aware of any officer involved in this operation threaten to arrest children if those children did not disclose the whereabouts of their parents?

A. No, not aware of it. Based on the training we receive, we would not and do not threaten children with this. If a juvenile is encountered or arrested, it would

Affiant

Initials

4

(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)



be done in accordance with the memo from John Torres, dated August 24, 2007 and in accordance to our Ops plan.

Q. Prior to me contacting you, were you aware that there is an ICE, Office of Professional Responsibility (OPR) investigation regarding the FOT entering homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?

A. We were first made aware of it, someone was looking at the operation, through the news. Phil Miller, the FOD, wanted all the particulars of the operation, like who we arrested, who we targeted, and locations where we were.

Q. When the FOT went to the addresses looking for targets, was this considered a knock and talk procedure?

A. Yes, they were all considered knock and talks.

**Note:**

**The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.**

(b)(6),(b)(7)(C)

[REDACTED] **Fort Payne, Alabama**

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes.

Q. During the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes I went to that location to conduct a knock and talk to look for a suspected fugitive alien who was on the target list. The target was [REDACTED]

(b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

A. To the best of my recollection, the entire FOT was there. Myself, [REDACTED] and [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant [REDACTED] Initials [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

5

Q. What type of clothing were you and the other officers wearing, and did they identify themselves?

A. The officers were wearing our ICE approved and issued vests on the outside, which are all clearly marked ICE. We had our service weapons. I had my badge exposed on my belt in front of my weapon. I identified myself as a federal agent.

Q. Upon arriving at the address, explain what happened and who was the first person that was encountered?

A. The first person that was encountered was [redacted] wife, [redacted], who was getting into her car. I am the officer who made contact with her. She was in the vehicle with the windows rolled up, so I knocked on the window. It startled her, she rolled down the window and I identified myself. I told her that we were looking for someone that lives at that address. I asked her, who was inside the house. She said her husband and I asked her if we could go inside and talk to him and she said yes. As I was talking to her, the rest of the team pulled up. Officer [redacted] and I walked to the door with her. As we got to the door, the door opened and it was [redacted] the target. I had a photo of him so I recognized him immediately. We told him who we were, and I asked him if we could go in and talk to him so we actually had consent from both adults to go inside and talk. I don't recall for sure, but from my recollection I believe we spoke to him in English.

Normally, I begin in English and if they don't understand I switch and ask them in Spanish. Later, I realized that he spoke good English, but if there were times he didn't understand I would explain in Spanish. I don't remember who went into the trailer first. The steps are only so wide into the trailer, but to the best of my knowledge it was the wife that went in first, then me and then [redacted] and the rest of the team. Once inside, we asked [redacted] for his identification. To the best of my knowledge, he had an Alabama driver's license, which he went to his bedroom to retrieve. We went with him to the bedroom to get this identification. We then told him we had a warrant for his arrest. Then we asked him if he had any immigration documents that were different from what we had, which he said no to. We went to place him under arrest. He had keys in his hand, which he would not let go of. He was trying to go past the officers and out of the room. He seemed to be trying to stall and when one of us grabbed one of his hands, he resisted. [redacted] and [redacted] grabbed him and put him on the bed and I put the cuffs on him. [redacted] was standing between the bed and the dresser. Throughout the whole incident we were constantly giving him orders to drop the keys and comply. Once handcuffed, he was on the bed.

The wife heard what was going on and was trying to come back there. One of the officers was trying to explain to her what was going on. Once we got him up, we took him to the living room and then out of the house. I stayed behind to explain that she should get an attorney and get his case reopened, that this

Affiant [redacted]

Initial [redacted]

6



wasn't criminal, it was an administrative procedure. We provided her with every amount of courtesy that we could give. We took him to the car and he was transported to Chattanooga.

Q. During the arrest, was there a black male officer who was tall and on the heavy side, with a light beard at the scene?

A. No, the only black officer there was a female, [REDACTED]

(b)(6),(b)(7)(C)

Q. Was there proper language communication between all parties?

A. There were no communication problems. English and Spanish were spoken.

Q. Who opened the door to that residence?

A. The target, [REDACTED]

Q. Who gave the FOT officers authorization to enter that residence?

A. Both, the wife [REDACTED] and the target. She gave consent outside while talking and he gave consent at the door.

Q. Was there a FOW Sheet prepared for [REDACTED]? If so, who prepared it?

A. Yes, I prepared it.

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. The name of the consent provider is written as subject and the witnesses are [REDACTED] and myself.

Q. The FOW says that the "subject" gave consent. Who is the subject?

A. [REDACTED]

Q. Did the FOT ask for permission to enter the residence or was invited?

A. We asked permission.

Q. Who gave the authorization to search the residence? Who witnessed?

A. We didn't ask to search the residence. The only consent we asked for was to go inside and talk to the husband. I did not search for anything, we just

Affiant [REDACTED] Initial [REDACTED]

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

7



accompanied him to the bedroom to get his identification. He was allowed to obtain his own documents.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. Neither was under duress or coercion and they gave the consent freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, they were occupants and of age.

Q. Did anyone at the residence object to the FOT being inside the residence?

A. Never.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. The I-213.

Q. Did the report contain wording as to how FOT officers obtained consent to enter and search the residence?

A. Yes.

(b)(6),(b)(7)(C) Q. Which officers escorted [REDACTED] to the bedroom to obtain her documents?

A. I have no knowledge of that.

Q. Was anyone injured during the arrest?

A. Not that I'm aware of. No one reported any injuries to me.

(b)(6),(b)(7)(C) Q. Did you see any officer put their knee in [REDACTED] back while he was being arrested?

A. No. Not that I observed.

Q. Was any officer injured while making the arrest?

A. Not that I'm aware of.

Affiant [REDACTED]

Initials [REDACTED]

8

(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Q. Did [REDACTED] notify you or any other officer that he hurt his left Shoulder during the arrest? If so, who did he report it to?

A. He did not notify me and I am not aware of him stating his shoulder was hurt.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the operations target list?

A. Yes.

(b)(6),(b)(7)(C)

Q. Which officer transported [REDACTED] to Chattanooga?

(b)(6),(b)(7)(C)

A. I believe it was Officer [REDACTED]

(b)(6),(b)(7)(C)

Q. Which officer provided food to [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C)

A. [REDACTED] told me that he stopped and bought food for them.

(b)(6),(b)(7)(C)

Q. Upon arriving in Chattanooga, do you know if the officer threw a hamburger (Sandwich) on the floor toward [REDACTED] while he was being fed?

A. I have no knowledge of that.

(b)(6),(b)(7)(C)

Q. Which officer processed [REDACTED] in Chattanooga? (I-213, etc.)

(b)(6),(b)(7)(C)

A. Officer [REDACTED]

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transferred to DeKalb County jail. I believe DeKalb County Sheriff's Officer did the transport that day.

Q. Is there anything you would like to add?

A. No, not at this time.

**END QUESTIONS REGARDING the arrest of [REDACTED]  
[REDACTED] Fort Payne, Alabama on December 10, 2011.**

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Affiant [REDACTED]

Initials [REDACTED]

9



(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

[REDACTED] FORT  
PAYNE, ALABAMA and [REDACTED]

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. We did. The purpose was to locate a fugitive alien on the target list.

Q. What happened after you arrived at that residence? Explain in detail.

A. I went to the front door with SDDO [REDACTED] and [REDACTED] walked around the residence to watch the back door. It was an open lot, there was no fence or other obstacles. I knocked on the front door. The door has a diamond shape window painted either black or dark blue. There is a hole about the size of a quarter that allows you to see in. When I knocked on the door, a face came to the hole and I saw through the hole what I believed to be bodies running through the trailer. It was pretty loud, real noisy, when the people were running and then the noise just suddenly stopped. Still through the hole I could see someone standing behind the door so I knocked again. The door opened and there was a juvenile female that opened the door. She looked to be on the verge of being a teen ager. I greeted her with hello, in English. When I said that another adult female standing 6 -8 feet behind her started talking to the juvenile female. She was speaking to her in a Guatemalan, Indian dialect that I cannot speak at all. I asked the girl if that was her mother. She said yes. I asked her if she could tell her mother who we were and that we were looking for someone and to ask if we could come inside and look around. The mother and daughter were speaking to one another in their dialect and at the same time the daughter said we could come in and the mother waved us in with her hands. When we got inside, the scene was unusually calm. The mother and daughter sat down on the couch. Another younger male child came out and jumped on the mom's lap.

At the kitchen table, someone later identified as [REDACTED] was sitting and eating as if no one were there. He was not acknowledging our presence. At this time it was myself and SDDO [REDACTED] in the house. Officer [REDACTED] was watching the back door of the residence. I then asked the daughter to ask the mom if there was anyone else in the house, for officer's safety. Whatever the mom told her, but the daughter told me, "no one else is here." I asked her, are you sure? I assume she translated to her mom and what she told the daughter, there was someone else here, but he ran out the back door. Knowing that [REDACTED] was at the back door, we knew there was someone else not accounted for.

I walked down the hall and looked in the back bedroom. I only looked in obvious places, like opened the closet door, looked under the bed, but did not rummage through anything. Mike remained in the living room where everyone else was. When I didn't see anyone and because of their statements of someone running

Affiant [REDACTED]

Initial [REDACTED]

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(b)(6),(b)(7)(C) out the back door, [redacted] did the same search that I did to make sure that I didn't miss anyone. He didn't find anyone either. I radioed [redacted] and asked if there was any way he wasn't at the back door when we knocked or if it was possible that anyone could have left through the back door before he got there and he said there was no way. He and [redacted] switched, [redacted] took the back door and (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) [redacted] came inside. [redacted] informed him that while at the back door he heard the noise and that it sounded like there was construction inside right at the back door. The back door is right off the kitchen, approximately two feet from where (b)(6),(b)(7)(C) [redacted] was sitting and eating ham.

(b)(6),(b)(7)(C) [redacted] approached [redacted] and asked him in Spanish if someone was hiding (b)(6),(b)(7)(C) inside. [redacted] replied in Spanish, "I don't speak Spanish." Based on what (b)(6),(b)(7)(C) [redacted] heard outside, where the noise was coming from, where the guy was sitting [redacted] (b)(6),(b)(7)(C) indicated this was the area where all the noise was coming from. There was a furnace two feet from the back door. [redacted] pulled the cover off of the furnace and (b)(6),(b)(7)(C) the target, [redacted] was hiding behind the furnace. We (b)(6),(b)(7)(C) radioed to [redacted] that we found the target. We were trying to get him out from (b)(6),(b)(7)(C) behind the furnace and there was only a small gap. [redacted] went into the room on the other side of the furnace and there was a door hidden inside a closet with a ton of clothes piled up against it. We got him out through the closet and arrested (b)(6),(b)(7)(C) him and [redacted]

(b)(6),(b)(7)(C) Once we took [redacted] into custody, the team decided that due to his lack of cooperation and his lack of identification, we would take him into custody and run his fingerprints. I instructed the English speaking female juvenile to tell her (b)(6),(b)(7)(C) mother to take the baby from [redacted]. We later found out through running his fingerprints he was in the United States illegally, but not a criminal. We took him (b)(6),(b)(7)(C) and [redacted] to Chattanooga for processing.

(b)(6),(b)(7)(C) I also want to note before we found [redacted] I was holding the FOW with the (b)(6),(b)(7)(C) picture of [redacted] on it. The female juvenile began crying. I asked her what was wrong and she said the picture was her Daddy.

At no time, from the mother or other adult male in the home, no one expressed to us that we shouldn't be there or we didn't have permission to be there and expressed no concern that we were there.

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C) A. Officer [redacted] SDDC [redacted] and myself.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing service issued vests marked with ICE. I had my weapon and badges visible. My weapon was holstered. We identified ourselves initially when knocking on the door as police.

Affiant [redacted] Initials [redacted]

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Q. Was there proper language communication between all parties?

A. As far as I know yes. I don't know what she was saying in her native language, but when communicated back to me by the daughter everyone knew what was going on.

Q. Who gave the authorization to enter that residence?

(b)(6),(b)(7)(C) A. The mother [redacted] gave authorization through translation with her  
(b)(6),(b)(7)(C) daughter and [redacted] giving a hand jester to enter.

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. They were not under any duress and it was freely given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No.

Q. Did anyone at the residence tell the FOT that they could not enter the residence?

A. No.

(b)(6),(b)(7)(C) Q. Did an officer search the bedroom belonging to [redacted] If [redacted] (b)(6),(b)(7)(C)  
so, did [redacted] give permission for the officers to search his  
bedroom?

A. I don't recall going into his bedroom and did not ask to go to his bedroom.

(b)(6),(b)(7)(C) Q. Did [redacted] tell the officers where her father was located?

A. No.

Q. Did any FOT officers write a report to document the events that occurred at the residence?

A. Yes, an I-213 and a FOW to document consent.

Affiant [redacted] Initials [redacted]

12



Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

(b)(6),(b)(7)(C) A. It documents that [REDACTED] gave consent, but does not state that it was given through the translation of the daughter.

(b)(6),(b)(7)(C) Q. Was there a FOW Sheet prepared for [REDACTED]? If so, who prepared it?

A. No, because he was not a target

(b)(6),(b)(7)(C) Q. Did [REDACTED] complain of an injury that he received during the arrest?

A. No.

(b)(6),(b)(7)(C) Q. Did [REDACTED] complain that the handcuffs were on him too tight?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I don't recall.

(b)(6),(b)(7)(C) Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was being fed?

(b)(6),(b)(7)(C)

A. No one threw food at him, that I am aware of.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to the DeKalb County Jail by DeKalb County deputies.

(b)(6),(b)(7)(C) Q. Was [REDACTED] on the target list for this operation?

A. No.

Affiant [REDACTED]

Initial [REDACTED]

13

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



Q. How many people were arrested from the residence that day? Names?

(b)(6),(b)(7)(C) A. Two. [REDACTED] and [REDACTED]

Q. Is there anything you would like to add?

A. Regarding juveniles – our 4th Amendment training - speaking with juveniles would be in casual conversation such as asking where their parents are or what their age is. We do not interrogate juveniles and we do not accept consent to enter or search a residence from juveniles. We do not threaten or terrorize juveniles or anyone.

(b)(6),(b)(7)(C) **END QUESTIONS FOR** [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] **FORT PAYNE,**  
**ALABAMA.**

(b)(6),(b)(7)(C) [REDACTED] **FORT**  
(b)(6),(b)(7)(C) **PAYNE, ALABAMA And** [REDACTED]

(b)(6),(b)(7)(C) Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] **Fort Payne, Alabama?** If so, what was the purpose?

(b)(6),(b)(7)(C) A. We did go to that address to look for a fugitive alien, [REDACTED] (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) [REDACTED] As we pulled into the apartment complex parking lot, an individual we later identified as [REDACTED] was pulling up to that apartment building at the same time. I approached his vehicle and asked him which apartment he lived in. I believe this building only has 6 – 8 apartments in it. He told me that he didn't live at this building and that he was coming over to buy a four wheeled motorcycle that was on the back porch of that apartment building. I could see the motorcycle on the back porch. I asked him who he was buying it from and he said he didn't know, some white guy.

(b)(6),(b)(7)(C) I went to the back door of where the motorcycle was. I knocked on the door and a white female answered. I asked her if she was selling the motorcycle and she replied it belonged to the people next door. There are two doors only separated by about a foot. I then knocked on the apartment door next door and a young kid, about 5 or 6 years old answered the door. I asked the kid if their parents were home and about that time, one of the officers was back at the car with [REDACTED] he was still sitting in his car. The officer, I believe it was [REDACTED] hollered (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) that [REDACTED] admitted he does live here and will go inside and get his id. We (b)(6),(b)(7)(C)  
accompanied him inside the apartment #3. To my knowledge [REDACTED] got (b)(6),(b)(7)(C)

Affiant [REDACTED]

Initial [REDACTED]

14

(b)(6),(b)(7)(C) permission from [redacted] to enter his apartment. I don't remember the exact wording of whether we were given permission or how it was obtained.

(b)(6),(b)(7)(C) [redacted] walked [redacted] up to the apartment. [redacted] went in, then [redacted] and me. We asked him if anyone else was in the apartment, if he knew the target or if he had ever seen the target. [redacted] Everyone that was in the house, just gathered in one room. I believe it was the front room of the apartment that had been turned into a bedroom.

We asked every adult in the house if they knew the target, if he had ever lived there and if they saw him. None of them claimed to have known him. While this was being asked, another officer was running identifications on who we were talking to. I do not remember who was running the identifications. We asked questions regarding who the kids belonged to, who is taking medications and we made the decision because everyone in the house was illegal, to take the two males into custody that were not the sole caretakers of any of the children. There were at least two females with children and one adult male that had children at the residence that were not taken into custody.

(b)(6),(b)(7)(C) We arrested [redacted] and [redacted] [redacted] had a Guatemalan passport on him for identification, but no permission to be in the United States. Actually, no one in the house had any documents that allowed them to be in the United States legally. He [redacted] admitted that he was in the country illegally and without proper documentation so he was taken into custody.

(b)(6),(b)(7)(C) In regards to [redacted] my first encounter with him was in the common area of the apartment, which appeared to be used as a bedroom. I have no knowledge of how he came into the common area. I do not recall who ran the identification of [redacted] It was determined by one of the officers doing routine checks that Abelino was in the United States illegally.

Q. Who were the officers present that day at that address?

(b)(6),(b)(7)(C) A. SDDO [redacted] [redacted] and [redacted]

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing service issued vests marked with ICE. I had my weapon and badges visible. My weapon was holstered. We identified ourselves as ICE agents.

Q. Was there proper language communication between all parties that day?

A. Yes.

Affiant [redacted]

Initials [redacted]

15



Q. Who gave the officers authorization to enter that residence?

(b)(6),(b)(7)(C) A. [REDACTED]

Q. Did the FOT ask for permission to enter the residence or was invited?

(b)(6),(b)(7)(C) A. To the best of my knowledge and belief, it was [REDACTED] that obtained consent from [REDACTED] (b)(6),(b)(7)(C)

Q. Was the person giving the consent under any duress or coercion, express or implied, and was freely and intelligently given?

A. He wasn't under any duress and it was freely given.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, because he admitted living at that residence.

Q. Did any FOT agents write a report to document the events that occurred at the residence?

A. Yes, an I-213 and FOW.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, never.

(b)(6),(b)(7)(C) Q. Once inside the residence, which officer knocked on the bedroom door of [REDACTED]

A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. Did the officers search the bedroom of [REDACTED] If so, did he give permission to search his bedroom?

A. I have no knowledge of that.

Affiant [REDACTED]

Initials [REDACTED]

16 (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) Q. Was there a Filed Office Work (FOW) Sheet prepared for [redacted] or [redacted] (b)(6),(b)(7)(C) [redacted]? If so, who prepared it?

A. No, because they were not targets.

(b)(6),(b)(7)(C) Q. Did [redacted] or [redacted] advised an officer that they had an injury that they received during the arrest? If so, who was the officer?

A. No.

(b)(6),(b)(7)(C) Q. Did [redacted] or [redacted] stated that the handcuffs that were placed on them were too tight?

A. No.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [redacted] and [redacted] to [redacted] (b)(6),(b)(7)(C) Chattanooga?

(b)(6),(b)(7)(C) A. [redacted] and [redacted] were both transporting that day from that location.

(b)(6),(b)(7)(C) Q. Which officer processed [redacted] or [redacted] in [redacted] (b)(6),(b)(7)(C) Chattanooga?

(b)(6),(b)(7)(C) A. Officer [redacted] processed them both.

Q. Who were the officers present in Chattanooga during processing?

(b)(6),(b)(7)(C) A. Officers [redacted] and [redacted]

(b)(6),(b)(7)(C) Q. Which officer fed [redacted] or [redacted] in Chattanooga?

A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. Do you know if the officer threw a Sandwich on the floor toward [redacted] (b)(6),(b)(7)(C) or [redacted] when he was being fed?

A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. What happened after [redacted] or [redacted] was processed in Chattanooga?

A. They were transported to DeKalb County Jail by DeKalb County Deputies.

Affiant [redacted] Initial [redacted]

17

(b)(6),(b)(7)(C)

Q. Was [REDACTED] or [REDACTED] on the target list for this operation?

A. No.

Q. How many people were arrested from that residence that day?

A. Two.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

END QUESTIONS

FORT PAYNE, ALABAMA.

(b)(6),(b)(7)(C)

FORT PAYNE,  
ALABAMA

(b)(6),(b)(7)(C)

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Fort Payne, Alabama? If so, what was the purpose?

A. We went there looking for a fugitive female alien, whose name I cannot remember at this time due to it not being my case. When I drove past the residence I noticed a male in the back yard cleaning out his car. I called for another officer to come over to assist me in talking to the guy. I approached him, identified myself as ICE agents and I asked him if this was his house. He said yes. I asked him who else lived there. He said his sister and her boyfriend. There was another vehicle parked outside. I asked him who drove that vehicle and he said it was his sister's boyfriend's vehicle.

I asked if there was anyone in the house right now and he said no. I told him we were looking for someone who had used this address in the past and asked if we could go inside and look around. He gave us permission to go inside and look around. We all went up to the back porch. He opened up the back door and the other officer went in to search the residence, I remained in the kitchen with [REDACTED]

(b)(6),(b)(7)(C)

No one else was found in the house.

We asked if he had any identification on him and he presented some form of identification and we moved out to the back porch where another officer was running record checks. Through immigration records, he was a positive hit for having an A number. Based on information on the I-213, the officer running the

(b)(6),(b)(7)(C)

Affiant

Initial

18

(b)(6),(b)(7)(C)



records checks found that he was previously removed from the United States. This information was obtained while at the scene. He was told he was being placed under arrest for being a previously removed alien.

When we patted him down, we found some personal property on him (keys, wallet, photos). We asked what he wanted to do with his stuff and he replied we could place it back into his house. To the best of my knowledge, SDDO [REDACTED] took his personal property into the kitchen and locked the back door. Upon leaving, [REDACTED] told me that we forgot about his radio which was attached to his arm. SDDO [REDACTED] returned to the house, at the request of [REDACTED] to return the radio approximately 20 to 30 minutes later.

(b)(6),(b)(7)(C)

Q. Who were all the officers present that day at that address?

A. SDDO [REDACTED] [REDACTED] and myself.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing service issued vests marked with ICE. I had my weapon and badges visible. My weapon was holstered. We identified ourselves as ICE agents.

Q. Was there proper language communication between all parties?

A. Yes, Spanish and English communication was used.

Q. Who gave the officers authorization to enter that residence?

A. [REDACTED]

Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. He was not under duress and gave the consent freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, he stated that was his house.

Q. Did any FOT officer write a report to document the events that occurred at the residence?

A. Yes, an I-213.

Affiant [REDACTED]

Initials [REDACTED]

19

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, never.

Q. What happened after the officer entered the residence?

(b)(6),(b)(7)(C) A. [REDACTED] gave us permission to look around inside and one of the officers did a quick search of the house, while I remained in the kitchen with him.

Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED]? If so, who prepared it? (b)(6),(b)(7)(C)

A. No, he was not targeted.

(b)(6),(b)(7)(C) Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No.

(b)(6),(b)(7)(C) Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. No, not that I recall.

Q. Did you see anyone at the residence being mistreated by any officer?

A. No.

(b)(6),(b)(7)(C) Q. Which officer transported [REDACTED] to Chattanooga?

A. I did.

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C) A. [REDACTED]

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I don't recall.

Affiant [REDACTED]

Initial [REDACTED]

20

(b)(6),(b)(7)(C)

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed?

(b)(6),(b)(7)(C)

A. I have no knowledge of that.

(b)(6),(b)(7)(C)

Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported by DeKalb County Jail by DeKalb County Deputies.

(b)(6),(b)(7)(C)

Q. Was [REDACTED] on the target list?

A. No.

Q. How many people were arrested from the residence that day?

A. One.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C)

**END QUESTIONS FOR** [REDACTED]

(b)(6),(b)(7)(C)

**FORT PAYNE, ALABAMA**

(b)(6),(b)(7)(C)

**RAINSVILLE,, ALABAMA**

Q. On December 11, 2011, during the operation, did you and other officers go to [REDACTED] Rainsville, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C)

A. Yes, to locate fugitive alien [REDACTED]

(b)(6),(b)(7)(C)

Q. What happened after you arrived at that residence? Explain in detail.

A. We went to the residence and I knocked on the front door. A female, later identified as [REDACTED] answered the door. We identified ourselves as Immigration Agents and were there looking for someone that used this address in the past. I asked her if there was anyone living there with her and she said her husband was inside sleeping. I asked her if we could come inside to speak with him and she said yes.

(b)(6),(b)(7)(C)

Once inside, she went to the bedroom to get her husband and I followed her down the hallway. They asked us what we were there for. I told them we had an

Affiant [REDACTED]

Initials [REDACTED]

21

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) order of deportation for [REDACTED] I asked him if he had his identification with him and he said it was in his vehicle outside. He went outside with another officer, best I can recall it was Officer [REDACTED] They came back inside and he did not have his identification with him. He told us they had been at church all night the previous night and that he believed he left it in his Bible.

His wife was a LPR. They told us they had been filing applications to remain. We explained that as long as he had the warrant, none of his immigration paperwork will go forward. They were very nice people; they seemed to completely understand when we explained their immigration warrant. It was explained to her that this is an administrative warrant, not criminal, that they need to take care of his warrant. There was no protesting or resisting in any way. We allowed him time to say goodbye to his wife, get completely dressed and put on his shoes.

Q. Who were all the officers present that day at that address?

(b)(6),(b)(7)(C) A. [REDACTED] [REDACTED] and myself.

Q. What were the officers wearing that day, and did they identify themselves?

A. We were wearing service issued vests marked with ICE. I had my weapon and badges visible. My weapon was holstered. We identified ourselves as ICE agents.

Q. Was there proper language communication between all parties?

A. Yes, they both spoke English.

Q. Which officer knocked on the front door of the residence?

A. I did.

Q. Do you know who opened the front door?

(b)(6),(b)(7)(C) A. The subject's wife, later identified as [REDACTED] opened the door.

Q. Who gave authorization to enter that residence? Was there Witnesses?

(b)(6),(b)(7)(C) A. The subject's wife, later identified as [REDACTED]

Q. Did the FOT ask for permission to enter the residence or was invited?

(b)(6),(b)(7)(C) A. Yes, I asked for permission to enter and [REDACTED] witnessed it and [REDACTED] was covering the back door.

(b)(6),(b)(7)(C)

Affiant [REDACTED] Initials [REDACTED]

22

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



Q. Was the person giving the consent under any duress or coercion, express or implied, and the consent was freely and intelligently given?

A. No, she was not under duress and it was given freely.

Q. Was the person giving the consent authorized to do so? (Owner or occupant)

A. Yes, she was the home owner.

Q. Did any FOT officer write a report to document the events that occurred at the residence?

A. Yes, there is an FOW and an I-213.

Q. Did the report contain wording as to how the officers obtained consent to enter and search the residence?

A. Yes.

Q. Did anyone at the residence object to the FOT entering and or conducting a search of the residence?

A. No, never.

Q. Did the officers get permission to go into the bedroom and search where [REDACTED] was located? If so, who gave permission?

A. No one searched the bedroom. The wife went to get [REDACTED]

Q. Was there a Filed Office Work (FOW) Sheet prepared for [REDACTED]? If so, who prepared it?

A. Yes, I prepared it.

Q. Did [REDACTED] reported any injury that he received during the arrest? If so, who was the officer he complained to?

A. No.

Q. Did [REDACTED] state that the handcuffs were placed on him too tight?

A. No.

Q. Which officer transported [REDACTED] to Chattanooga?

A. I don't recall, but I believe it may have been me.

Affian [REDACTED]

Initials [REDACTED]

23

(b)(6),(b)(7)(C) Q. Which officer processed [REDACTED] in Chattanooga?

(b)(6),(b)(7)(C) A. [REDACTED]

(b)(6),(b)(7)(C) Q. Which officer fed [REDACTED] in Chattanooga?

A. I have no knowledge of that.

Q. Do you know if the officer threw a Sandwich on the floor toward [REDACTED] when he was fed? (b)(6),(b)(7)(C)

A. I have no knowledge of that.

(b)(6),(b)(7)(C) Q. What happened after [REDACTED] was processed in Chattanooga?

A. He was transported to DeKalb County Jail by DeKalb County Deputies.

(b)(6),(b)(7)(C) Q. Was [REDACTED] on the target list?

A. Yes.

Q. How many people were arrested from the residence that day?

A. One.

Q. Is there anything you would like to add?

A. No, not at this time.

(b)(6),(b)(7)(C) **END QUESTIONS FOR [REDACTED] RAINSVILLE,, ALABAMA**

(b)(6),(b)(7)(C) **[REDACTED] SCOTTSBORO, ALABAMA**

Q. Were you working on Saturday, December 9, 2011, with Operation Return to Sender?

A. Yes.

Affiant

Initials

24

(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

Q. During the operation, did you and other officers go to [REDACTED] (b)(6),(b)(7)(C)  
Scottsboro, Alabama? If so, what was the purpose?

(b)(6),(b)(7)(C) A. Yes, to locate fugitive alien [REDACTED] I went to the address to assist in conducting surveillance. Later, I then broke off of this location and went somewhere else to conduct surveillance. I was not there when the arrest was made. The initial plan was to arrest the target when he comes out of his residence. I have no knowledge of what took place after I left.

**END QUESTIONS REGARDING the arrest of [REDACTED] (b)(6),(b)(7)(C)  
[REDACTED] Scottsboro, Alabama on December 9, 2011.**

I have read the foregoing statement consisting of [REDACTED] page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 25 day of February 2012.

(b)(6),(b)(7)(C) [REDACTED]  
AFFIANT

(b)(6),(b)(7)(C) [REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C) [REDACTED]  
Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

Affiant [REDACTED]

Initials [REDACTED]

25 (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)



# EXHIBIT 23

**DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT**

PARISH OF ORLEANS  
CITY OF NEW ORLEANS

**AFFIDAVIT**

(b)(6),(b)(7)(C) I, [REDACTED] being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

(b)(6),(b)(7)(C) On December 29, 2011, SAs [REDACTED] and [REDACTED], OPR/NO interviewed [REDACTED] at the LaSalle Detention Facility in Jena, Louisiana.

(b)(6),(b)(7)(C) Present during the interview was [REDACTED] Investigator, and [REDACTED] (b)(6),(b)(7)(C)  
Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C., [REDACTED] and [REDACTED] with (b)(6),(b)(7)(C)  
Southern Poverty Law Center (SPLC), Birmingham, AL.

(b)(6),(b)(7)(C) SPLC provided SA [REDACTED] with a document stating that they were representing [REDACTED] in the investigation and arrest that took place on or about (b)(6),(b)(7)(C)  
December 9 through 12, 2011 in or around Fort Payne, AL area. [REDACTED] signed the document dated December 28, 2011.

(b)(6),(b)(7)(C) CRCL provided the interpreter for the interview via telephone. The interpreter was [REDACTED]

(b)(6),(b)(7)(C) [REDACTED] stated that he was arrested on December 29, 2011 around 10:00 (b)(6),(b)(7)(C)  
a.m. at his residence located at [REDACTED] Fort Payne, AL. He also stated that his sister and brother-in-law live with him at that residence.

(b)(6),(b)(7)(C) [REDACTED] stated that when the officers arrived they spoke in the English (b)(6),(b)(7)(C)  
language and that he does not speak English. [REDACTED] stated that he was outside his residence cleaning his car when a Blazer pulled up. He stated that the officers got out of the vehicle and came toward him. The officers asked him if he knew the name of an individual, but [REDACTED] stated that he knew (b)(6),(b)(7)(C)  
nothing about the individual in question. [REDACTED] stated that the officers asked him if anyone else was in the home in which he replied no. He stated that

(b)(6),(b)(7)(C) the officers then asked him for his documents. [REDACTED] stated that he went inside his home and brought out his documents to give to the officers.

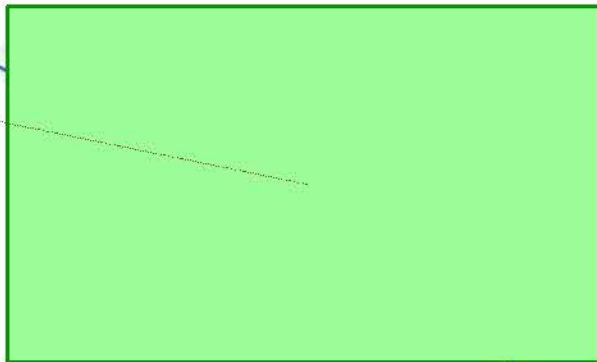
(b)(6),(b)(7)(C) [REDACTED] stated that at the time, there were just two officers there and he gave his documents to them. One of the officers took his documents and placed a phone call. After the phone call the officer placed handcuffs on him in the front of his body. (b)(6),(b)(7)(C) [REDACTED] stated that no officer ever told him why he was being arrested.

(b)(6),(b)(7)(C) [REDACTED] stated that after the officer handcuffed him the other officer there went inside his residence and stayed for about 10 minutes. (b)(6),(b)(7)(C) [REDACTED] stated he did not know why the officer went into his residence because he did not authorize the officer to enter his home, and no officer asked him to enter his home.

(b)(6),(b)(7)(C) [REDACTED] stated that he was not mistreated in any way, but one officer walked him to the truck pulling him by the arm which hurt. (b)(6),(b)(7)(C) [REDACTED] stated he was not injured.

(b)(6),(b)(7)(C) [REDACTED] stated that there were a total of three officers that came to his residence that day, and when the officers arrived they did not identify themselves. He stated that at first he thought the officers were police officers, but later he realized that they were immigration officers because they were wearing jackets that had ICE on it.

Colunga-Reyes stated that the officers stayed at his residence for approximately 25 minutes before taking him away.





(b)(6),(b)(7)(C)

 stated that when the officers arrested him they put him in a car with two other people that were arrested and they were then taken to Chattanooga.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)



Affiant

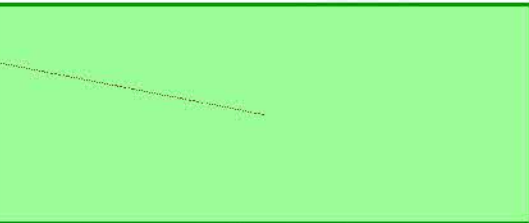
Before me this 10th day of January 2012

(b)(6),(b)(7)(C)



Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)



Immigration and Customs Enforcement  
Office of Professional Responsibility

# EXHIBIT 3

Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations

**New Orleans Field Office**  
**Fugitive Operations Team**



LIMITED OFFICIAL USE

FIELD OFFICE DIRECTOR (FOD) APPROVED  
FUGITIVE OPERATIONS PLAN:

1

**Law Enforcement Sensitive-Official Use Only**

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Revised 07/19/2010

2014FOIA01578 006048



Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations

ENFORCEMENT AND REMOVAL OPERATIONS  
NEW ORLEANS FIELD OFFICE

Operation Return to Sender  
Dates: December 9-11, 2011

**I. Situation**

The objective of Operation "Return to Sender" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New Orleans Field Office Area of Operational Responsibility (AOR).

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

**A) Targeted Aliens – Thirty Five (35)**

Thirty Five (35) aliens have been identified and will be targeted during this operation. The targets comprise of aliens found within the three Tier System of Priorities for Fugitive Operations; which includes ICE Fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, Thirty Five (35) are Tier 1 Fugitive Aliens, zero (0) are Tier 2 Previously Removed Aliens, and zero (0) are Tier 3 Removable Aliens Convicted of Crimes. (See attached Excel spreadsheet for target list.)

**B) Hours of Operation**

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs.

2

**Law Enforcement Sensitive-Official Use Only**

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Revised 07/19/2010

Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations

**C) Local Situation**

The Birmingham Fugitive Operations Team(s) will conduct the operation with support from other resources from the **Chattanooga, TN** Enforcement and Removal Operations (ERO) Office. Local law enforcement will be available to assist on an as needed basis but their direct participation is not anticipated at this time. The FOD has committed all necessary resources within their jurisdiction. **(See attached Excel spreadsheet for Team and LEA breakdown)**

**D) Operational De-Confliction**

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have **declined** to participate. No additional request for assistance was made by ERO. The target list has been queried in **(b)(7)(E)** to ensure de-confliction with OI and other law enforcement entities.

**E) Local Law Enforcement Agencies (LEAs)**

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

**F) Community Issues or Politically Sensitive Issues**

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative.

**G) Juveniles**

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of



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available indices. In the event that minors are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a plan of care for the juveniles will be addressed prior to the commencement of operations. **(No juveniles will be targeted during this operation.)**

If unaccompanied alien juveniles are encountered, contact your local juvenile coordinator for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-400-(b)(6),(b)(7)(C) after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **Alabama Department of Human Resources, Family and Children Services Division, (334) 242-9500.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

#### H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in file.

#### I) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database.



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Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

### ICE Definitions of Gang Member and Gang Associate

**Gang Member:** A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

**Associate Gang Member:** An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The agent(s) conducting the arrest will determine whether indications of association are present.

## II. Mission.

Operation "**Return to Sender**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New Orleans Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

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Execution

A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Policy and Procedures (Ch.19). The primary mission of the National Fugitive Operations Program is to reduce the backlog of ICE fugitives throughout the United States. The National Fugitive Operations Program additionally focuses resources to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of (b)(7)(E) designated arrest team in the AOR. The team will consist of members of the Birmingham FOT; the team will also be assisted by Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained / non-detained sections of Chattanooga, TN ERO. One DO will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activity being executed throughout the Northeast Alabama AOR from December 9, 2011, through December 11, 2011.

Phase I: December 8, 2011: Operational briefing at 1400 hours at the Chattanooga, TN ERO Office. All officers participating in the operation will attend the pre-operational briefing.

Phase II: December 9, 2011: Officers from the Birmingham FOT will deploy throughout the Northeast Alabama area to initiate arrests at residences and places of employment.



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Phase III: **December 11, 2011**: If deemed necessary, the **New Orleans** ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

**C) Tasks**

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ Fug Ops Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that you provide all officers/agents participating in the operation the contact number for the LESC.

Detention Operations Coordination Center (DOCC): Detention space is suitable within the **New Orleans** AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

**D) Safety and Logistics**

Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.

1. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
2. No training will be necessary prior to this operation.

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3. Primary processing location: All detainees will be transported to the **Chattanooga, TN ERO office** for processing.
  - a. Secondary detention and processing site(s) to be determined as needed.
  - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the **New Orleans** FOD.
4. Logistics.
  - a. **Lodging and per diem expenses will** be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local** level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.**
  - b. No health & safety inspection required for any facility or equipment being utilized for this operation.
  - c. No contracts need to be reevaluated.
5. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
  - a. Once arrested, all detainees will be transported to the **Chattanooga, TN ERO Office** for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
  - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
  - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the

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reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The OPLA/NOI and EOIR/NOI have been advised and contacted as to the availability to approve stipulated removals during the operation.

- d. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

#### E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ Fug Ops Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQDRO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN / Significant Incident Report (SIR) / Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by Close of Business (COB) each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

#### F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
  - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on December 11, 2011 at 1600 at the Chattanooga, TN ERO office.

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2. Format: The format for issues will be:
  - a. Topic
  - b. Discussion
  - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. **New Orleans** ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. (b)(6), (b)(7)(C)  
(504) 6 (b)(6), (b)(7)(C)

**G) Command and Control**

1. Primary means of communication will be via radio, telephone and E-mail.



Department of Homeland Security  
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APPROVING OFFICIAL

\_\_\_\_\_  
Scott Sutterfield  
Acting Field Office Director  
New Orleans Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List

Attachment 2: Two Most Egregious Targets

DISTRIBUTION:

HQ NFOP

FOSC

FOD

DFOD

Operations AFOD

DOCC

# EXHIBIT 31





**POLICE  
ICE**

# EXHIBIT 6

DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

PARISH OF Allen

STATE OF LOUISIANA

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6),(b)(7)(C) Deputy Chief Counsel, GS-15.

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. 19 years.

Q. What is your current assignment and duty station?

A. Deputy Chief Counsel, Oakdale, Louisiana.

Q. How long have you worked in your current assignment at your current duty station?

A. Since October 2010.

Q. Who is your first line supervisor?

A. Glenda M. Raborn, Chief Counsel.

Q. Briefly describe your duties.

A. I am the first-line supervisor for six Assistant Chief Counsel; one Mission Support Specialist; two Legal Assistants; and four Student Clerks.

Q. Were you directly involved in providing Fourth Amendment training to the Fugitive Operations Team (FOT) in Homewood, Alabama?

A. I have provided Fourth Amendment training to the Fugitive Operations Teams throughout the NOL AOR both in person and via VTC. I have never conducted in-person Fourth Amendment training to ERO officers in Alabama. ERO offices in Alabama have participated in Fourth Amendment training via VTC, in which I

Affian (b)(6),(b)(7)(C) I



was the trainer; however, I am not certain that the officers stationed in Homewood, Alabama participated in the training that I conducted.

Q. Approximately how many times have you provided this training?

A. Five throughout the AOR.

Q. How is the training requested?

A. Training is regularly scheduled every six months and coordinated by ERO training officer Fenwick Johnson.

Q. Is the copy of the 4<sup>th</sup> Amendment Powerpoint presentation you sent me, via email, the same material you use for the training? If there are any other materials you use, please provide me with a copy.

A. Yes, I conducted Fourth Amendment training in the fall of 2011, via VTC. The Powerpoint previously provided was the material used.

Q. What other assistance do you provide the FOT in Homewood, AL besides the 4<sup>th</sup> Amendment training?

A. I have served as the NOL-OCC POC for past Operation Crosscheck actions.

Q. Is there anyone else that gives the 4<sup>th</sup> Amendment training besides you?

A. Yes (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. No.

Affiant (b)(6),(b)(7)(C)

I have read the foregoing statement consisting of 3 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 5 day of March 2012.

(b)(6),(b)(7)(C)

Affiant

(b)(6),(b)(7)(C)

Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

Special Agent  
Immigration and Customs Enforcement  
Office of Professional Responsibility

Affiant

(b)(6),(b)(7)(C)

3

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, February 28, 2012 10:16 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: 4th Amendment Training  
**Attachments:** 4th Amendment Powerpoint July 2011.ppt

(b)(6),(b)(7)(C)

Deputy Chief Counsel  
DHS/ICE  
1010 East Whatley Rd.  
Oakdale, LA 71463  
318 337 (b)(6),(b)(7)(C)  
337 39 (b)(6),(b)(7)(C)

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, February 28, 2012 9:15 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: 4th Amendment Training

(b)(6),(b)(7)(C)

I am in my office so when you get a chance, please give me a call.

Thanks,

(b)(6),(b)(7)(C)

Special Agent  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement  
New Orleans, Louisiana

04-51 (b)(6),(b)(7)(C)  
504-9  
504-568-9481 Fax



(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, February 27, 2012 8:57 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Re: 4th Amendment Training

(b)(6),(b)(7)(C)

I'm out of the office today, but I am happy to forward the powerpoint to you tomorrow.

Thanks,

(b)(6),(b)(7)(C)

Deputy Chief Counsel  
IDHS/ICE  
1010 East Whatley Rd.  
Oakdale, LA 71463  
318 3 (b)(6),(b)(7)(C)  
337 3 (C)

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, February 27, 2012 09:54 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** FW: 4th Amendment Training

(b)(6),(b)(7)(C)

I am with OPR out of New Orleans, and I am assigned a case regarding the Fugitive Operations Team in Birmingham. I know that they get the 4<sup>th</sup> Amendment Training every six months and I was advised that you may have given the last training in November.

Do you have a copy of the training material regarding 4<sup>th</sup> Amendment, and can you send me a copy? I am just verifying that the training was given and what type of material is covered during the training.

you can assist me with this it would be greatly appreciated. If you have any questions please give me a call.

Thanks,

(b)(6),(b)(7)  
(C)

(b)(6),(b)(7)(C)

Special Agent  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility  
New Orleans, Louisiana

504-52 (b)(6),(b)(7)(C)

504-91

504-568-9481 Fax

(b)(6),(b)(7)(C)

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, February 27, 2012 8:12 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: 4th Amendment Training

It varies. The last training we received in November was conducted by (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Deputy Chief Counsel  
DHS/ICE  
1010 East Whatley Rd.  
Oakdale, LA 71463  
318 33 (b)(6),  
337 39 (b)(7)(C)

(b)(6),(b)(7)(C)

ICE Fugitive Operations Program  
234 Goodwin Crest Drive, Suite 100  
Homewood, AL 35209  
Office 205-94 (b)(6),(b)  
Mobile 205-28 (7)(C)

---

**From:** (b)(6),(b)(7)(C)  
**Sent:** Saturday, February 25, 2012 2:45 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** 4th Amendment Training

(b)(6),(b)  
(7)(C)

Who is the OPLA attorney that provides the 4<sup>th</sup> Amendment Training to your FOT? If you have their name and phone number I would appreciate it very much.

(b)(6),(b)(7)(C)

OPR/New Orleans

504-52

(b)(6),(b)(7)(C)

04-91



(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, January 17, 2012 3:24 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Fw: Req for training certificates (201203098)(201200033)  
**Attachments:** 2012\_01\_17\_14\_34\_31.pdf

**Importance:** High

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, January 17, 2012 03:45 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** FW: Req for training certificates (201203098)(201200033)

(b)(6),(b)(7)(C)

Please review above attachments.

Thanks.

(b)(6),(b)(7)(C)

**Senior Field Training Officer**

**DHS ICE/DRO**

**250 Poydras Street,** (b)(6),(b)(7)(C)

**New Orleans, LA 70113**

**(504) 591-2661 office**

**(504) 589-2661 fax**

**Fenwick.Johnson@dhs.gov**

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, January 17, 2012 9:36 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Req for training certificates (201203098)(201200033)

Reference our telecom, this date.

As a result of current OPR investigations could you please provide a copy of the 4<sup>th</sup> Amendment training certifications regarding the following individuals:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

In addition could you also furnish a copy of certification of training of Use of Force regarding:

(b)(6),(b)(7)(C)

If you need further assistance please give me a call or contact (b)(6),(b)(7)(C) when the records are available.

Thank you,

(b)(6),(b)(7)(C)

Intell Res Spec  
DHS/ICE/OPR - Intell  
5150 Eisenhower Ave  
Alexandria, VA 22304  
703-55 (b)(6),(b)(7)(C)

**DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT**

PARISH OF ORLEANS  
CITY OF NEW ORLEANS

**AFFIDAVIT**

I, (b)(6),(b)(7)(C), being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 26, 2012, I re-interviewed (b)(6),(b)(7)(C) via telephone and present during the interview via telephone was an attorney with Southern Poverty Law Center (SPLC) who represents (b)(6),(b)(7)(C) and her husband (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) is a U.S. Citizen and speaks fluent English.

(b)(6),(b)(7)(C) reiterated that on the day her husband (b)(6),(b)(7)(C) was arrested they were getting into the vehicle with their twin daughters both 15 years of age. The ICE officers approached them and asked for her husband's identification. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that she advised the officers that she was in possession of an I-130 (Petition for Relative Alien). The officers requested to see it, and Ms.

(b)(6),(b)(7)(C) stated that she searched in the glove box of the vehicle and found part of the document. She then advised the officers that the other part of the document was inside the residence.

(b)(6),(b)(7)(C) asked the officers if she could go inside to get the document, and the officers said yes. (b)(6),(b)(7)(C) stated that no one said anything about coming into the residence with her. (b)(6),(b)(7)(C) stated that her daughters went inside first and then her, (b)(6),(b)(7)(C) and then the officers.

(b)(6),(b)(7)(C) stated that the officers never asked for permission to come inside the residence.

(b)(6),(b)(7)(C) stated that the officers never asked her or her daughters for identification.

(b)(6),(b)(7)(C) stated that she is willing to testify in court that the officers never asked her to enter and search her residence.



The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Before me this 28th day of March 2012.

(b)(6),(b)(7)(C)

Immigration and Customs Enforcement  
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Immigration and Customs Enforcement  
Office of Professional Responsibility

## SYNOPSIS:

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Legal Director of the Southern Poverty Law Center (SPLC) in Montgomery Alabama (AL), who reported her concerns about raids conducted by ICE agents in AL. Armed ICE agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission, terrorized families and interrogated United States Citizen Children.

This investigation is closed and does not require any agency action.

## BACKGROUND:

In a letter dated December 16, 2011, addressed to Department of Homeland Security (DHS) Secretary Janet Napolitano, (b)(6),(b)(7)(C) reported concerns regarding raids conducted by ICE agents in AL. (b)(6),(b)(7)(C) stated that armed ICE agents allegedly went into trailer parks and apartment complexes in the Fort Payne, AL areas, entered homes in Latino communities without permission, terrorized families and interrogated U.S. Citizen Children. (Exhibit 1)

The armed ICE agents that (b)(6),(b)(7)(C) referenced are members of the ICE, Enforcement and Removal Operations (ERO), Fugitive Operations Team (FOT) in Birmingham, AL. The FOT consists of one Supervisory Detention and Deportation Officer (SDDO) (b)(6),(b)(7)(C) and four Deportation Officers (DO) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C).

From December 9, 2011, through December 11, 2011, the Birmingham FOT participated in Operation Return to Sender, a national enforcement program designed to arrest ICE fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens.

While planning this operation the FOT identified thirty-five ICE fugitives living in their area of responsibility. The FOT prepared a Field Operations Worksheet (FOW) for each fugitive identified along with their last known address. If available, the FOT attached a photograph of the fugitive alien along with biographical information to properly identify the fugitive. (Exhibit 2)

Prior to the commencement of the operation, the FOT prepared a Fugitive Operations Plan (OPS Plan) which was approved through ICE, ERO Headquarters. The OPS Plan designated the dates of the operation along with names of each targeted fugitive alien. The OPS Plan also stated that no local law enforcement would be involved and no juveniles would be targeted during the operation. (Exhibit 3)

A "Warrant of Deportation/Removal" (Form I-205) was issued for each fugitive alien targeted during this operation. The last known address associated with the targeted alien is listed on the Form I-205. The Form I-205 is an administrative warrant that does not authorize the FOT to enter residences or other private areas of the residence.

A memorandum dated December 8, 2009, "National Fugitive Operations Program: Priorities, Goals, and Expectations" from the Assistant Secretary, John Morton to the ERO, Field Office Directors (FOD) and all FOT members, clarifies the enforcement priorities of the National Fugitive Operations Program within ERO. The memorandum states that FOT members will receive Fourth Amendment training every 6 months which will focus on the special considerations when apprehending fugitives at their homes. (Exhibit 4)

Each FOT member stated that they receive Fourth Amendment training every 6 months, as required, by policy.

Each FOT members stated that they were aware of the following policy and guidance memorandums: (Exhibit 5)

- Documentation of Consent to Enter and Search (Jan 19, 2010);

In the "Documentation of Consent to Enter and Search", memorandum mentioned above, it states, in part, that when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as identity of any other individuals that witness the granting of consent. The officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the FOW as soon as it is practical after receiving consent. If an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

- Juveniles Encountered During Fugitive Operations (Aug 24, 2007);

This memorandum provides clarification to ERO, FOT who encounter U.S. citizen and Lawful Permanent Resident(LPR) juveniles during execution of enforcement initiatives targeting fugitive aliens.

- Exercising Prosecutorial Discretion (Jun 17, 2011)

This memorandum provides ICE personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. It also serves to make clear which agency



employees may exercise prosecutorial discretion and what factors should be considered.

On February 28, 2012, SA Smith contacted Craig Harlow, DHS/ICE, Deputy Chief Counsel, Office of Principal Legal Advisor (OPLA) Oakdale, Louisiana, regarding the Fourth Amendment training that he provides to the FOT in Birmingham, AL. Deputy Chief Harlow provided SA Smith with a copy of the PowerPoint presentation he uses when providing the training. Deputy Chief Harlow stated that he has provided Fourth Amendment training to the FOT throughout the New Orleans FOD area of responsibility both in person and via Video Teleconferencing (VTC). He has conducted in-person Fourth Amendment training to ERO officers in Alabama, but he was not certain that the officers in Birmingham participated in the training that he provided. Deputy Chief Harlow stated that there is another attorney that provides Fourth Amendment training as well, Deputy Chief Counsel Monique Harris. (Exhibit 6)

OPR obtained copies of the "Employee Training Checklist" that shows names and dates of employees that participated in the Fourth Amendment Training. The Birmingham FOT members received Fourth Amendment Training on May 5, 2011 and on November 3, 2011.

#### **DETAILS OF INVESTIGATION:**

In their complaint, SPLC identified nine addresses where they alleged violations occurred. The SPLC presented witnesses from each of these nine locations to support their claims. During the course of this investigation, OPR interviewed the witnesses presented by the SPLC, as well as the ERO employees identified as participating in the enforcement actions at each location. The following is a breakdown of each location identified by the SPLC and the statements made by the SPLC witnesses and the involved ERO employees.

Each address is listed by the name of the individual arrested at the location.

1. (b)(6),(b)(7)(C) **Scottsboro, AL**

#### **Interview of (b)(6),(b)(7)(C)**

On December 29, 2011, Special Agents (SAs) (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) ICE, Office of Professional Responsibility, New Orleans, (OPR/NO) Louisiana, interviewed detainee (b)(6),(b)(7)(C) at the LaSalle Detention Center (LDC). (b)(6),(b)(7)(C) Present at the interview were two attorneys, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) from SPLC, and two representatives from DHS, Civil Rights and Civil Liberties (CRCL), (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) Washington, D.C. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 7)

Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and the day of the interview. A release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C) (Exhibit 8)

Detainee (b)(6),(b)(7)(C) stated that he and his wife, (b)(6),(b)(7)(C) were sitting in a car in the driveway when the officers approached them and stated they had a deportation warrant for his arrest. Detainee (b)(6),(b)(7)(C) stated that his wife told the officers that she had documents she received from ICE regarding his status. Detainee (b)(6),(b)(7)(C) stated that he and his wife went inside their residence to obtain the documents and the officers followed them inside. Detainee (b)(6),(b)(7)(C) stated that he did not give permission for the officers to enter his residence and conduct a search.

Detainee (b)(6),(b)(7)(C) stated he was never mistreated by the officers. Detainee (b)(6),(b)(7)(C) stated that he remembers what the officers were wearing, but he does not remember what they looked like.

#### Interview of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present at the interview was an attorney (b)(6),(b)(7)(C) from SPLC and (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) from CRCL via telephone. Interpreters were provided by CRCL via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 9)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A Release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C) (Exhibit 8)

(b)(6),(b)(7)(C) stated that two white male armed officers, wearing uniforms with ICE written on the back, displaying a badge and a weapon came to her residence. Ms. (b)(6),(b)(7)(C) stated that she, her husband Noe and two children were in their vehicle preparing to take the children to school. (b)(6),(b)(7)(C) stated that the officers said they were there to arrest her husband. (b)(6),(b)(7)(C) stated that she advised the officers that she had documents from ICE regarding her husband's status in her residence, and the officer told her to go get them. (b)(6),(b)(7)(C) stated that she and her family went inside the residence, and the two officers entered their home without permission.

(b)(6),(b)(7)(C) stated that no one was injured that day and the officers never mistreated them.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) could not identify any FOT member.



**Re-Interview of** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On March 26, 2012, SA (b)(6),(b)(7)(C) conducted a telephonic re-interviewed with (b)(6),(b)(7)(C) and SPLC attorney (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by (b)(6),(b)(7)(C) (Exhibit 9)

(b)(6),(b)(7)(C) maintained that neither she nor her husband (b)(6),(b)(7)(C) gave the officers permission to enter their residence. (b)(6),(b)(7)(C) stated that the officers just walked inside and followed her to her bedroom to retrieve some documentation. (b)(6),(b)(7)(C)

**Interview of DO** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) OPR/NO conducted a witness interview of DO (b)(6),(b)(7)(C) who was represented by Local Union President, (b)(6),(b)(7)(C) Local 2038. DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative. (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that he and SDDO (b)(6),(b)(7)(C) confronted (b)(6),(b)(7)(C) outside of his residence, and identified themselves as ICE agents with a warrant for his arrest. DO (b)(6),(b)(7)(C) stated that the wife (b)(6),(b)(7)(C) said she had documents in her house pertaining to her husband's legal status. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C), if they could all go inside the residence to see the other documents. DO (b)(6),(b)(7)(C) stated that both the target and his wife agreed, and they all went into the residence.

**Interview of SDDO** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On May 8, 2012, SA (b)(6),(b)(7)(C) conducted a telephonic interview with SDDO (b)(6),(b)(7)(C). SDDO (b)(6),(b)(7)(C) provided an affidavit regarding his participation with this target address. SDDO (b)(6),(b)(7)(C) was provided with a Disclosure Warning. (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was encountered inside his vehicle parked in his driveway accompanied by his U.S. Citizen wife and children. SDDO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(7)(C) identified themselves as agents and positively identified Mr. (b)(6),(b)(7)(C) as their fugitive.

SDDO (b)(6),(b)(7)(C) stated that the wife, (b)(6),(b)(7)(C), provided an I-130 receipt (Petition for Alien Relative) from the vehicle glove compartment and stated that she had additional documentation inside the residence. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) and his wife mutually agreed to allow him and DO (b)(6),(b)(7)(C) to enter the residence with them to locate additional immigration documents. SDDO (b)(6),(b)(7)(C) stated that the (b)(6),(b)(7)(C) s had no additional documents to indicate relief from the removal order and Mr. (b)(6),(b)(7)(C) was taken into custody.



## **FOW and Form I-213**

The FOW was prepared by DO (b)(6),(b)(7)(C) and does not provide information regarding who gave consent to enter the residence or who witnessed. (Exhibit 12)

The Form I-213 was prepared by DO (b)(6),(b)(7)(C), and nothing is mentioned in the form regarding consent to enter the residence. (Exhibit 13)

2. (b)(6),(b)(7)(C) **Fort Payne, AL.**

### **Interview of** (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview were two attorneys from SPLC (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and two representatives from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). An interpreter was provided via telephone by DHS, CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 14)

Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and the day of the interview. A Release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that he was in his front yard when two officers wearing ICE clothing with a gun and badge threw him to the ground cutting his left cheek. Detainee (b)(6),(b)(7)(C) stated that after being handcuffed the officers then went into his residence with him to get his documents. Detainee (b)(6),(b)(7)(C) stated that he did not ask for medical treatment and he did not give the officers permission to search his residence.

(b)(6),(b)(7)(C)

### **2nd Interview**

On March 5, 2012, SA (b)(6),(b)(7)(C) re-interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview was an attorney from SPLC (b)(6),(b)(7)(C). An interpreter was provided via telephone by DHS, CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 14)

Detainee (b)(6),(b)(7)(C) stated that he never cut his left cheek as he previously stated and that it was only one officer, not two, that arrested him. When asked why he embellished his previous statement he replied that he did not remember saying it.

### **Interview of DO** (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(7)(C) were looking for a fugitive, (b)(6),(b)(7)(C) that lived across the street from (b)(6),(b)(7)(C) when DO (b)(6),(b)(7)(C) observed several people exit the target's residence and go across the street into the trailer on (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that when he arrived at (b)(6),(b)(7)(C) there were three adults standing outside the trailer and everyone denied that anyone came from across the street. One of the adult individuals began to run toward the trailer, and DO (b)(6),(b)(7)(C) stated he stopped him for officer safety reasons. DO (b)(6),(b)(7)(C) stated that he handcuffed the individual because no other officer was present to assist. DO (b)(6),(b)(7)(C) stated that the individual, who was later identified as (b)(6),(b)(7)(C), did not complain of any injuries.

DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(7)(C) confronted another male at the residence identified as (b)(6),(b)(7)(C) regarding the target (b)(6),(b)(7)(C) and requested permission to enter his residence (b)(6),(b)(7)(C) to look around. DO (b)(6),(b)(7)(C) stated that Mr. (b)(6),(b)(7)(C) granted permission for them to enter his residence to look for their fugitive. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was not under duress, and the consent was freely given.

DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(7)(C) entered the residence with (b)(6),(b)(7)(C) and searched for the fugitive who they were unable to locate. DO (b)(6),(b)(7)(C) stated that it was determined through admission and record checks that (b)(6),(b)(7)(C) was in the U.S. illegally and he was taken into custody.

DO (b)(6),(b)(7)(C) stated that another individual named (b)(6),(b)(7)(C) was also arrested at this location for not having proper documents, and admitted to being in the U.S. illegally.

#### **Interview of DO (b)(6),(b)(7)(C)**

(b)(6),(b)(7)(C) On February 24, 2012, SA (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) conducted a witness interview of DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was represented by Union President (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Union Representative. (Exhibit 15)

DO (b)(6),(b)(7)(C) stated that she observed six to seven people from the target location walking across the street into the trailer at Lot 211. DO (b)(6),(b)(7)(C) stated that she went to (b)(6),(b)(7)(C) to assist DO (b)(6),(b)(7)(C) and when she arrived, DO (b)(6),(b)(7)(C) had a male in handcuffs who was later identified as (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that they identified themselves as Immigration Officers and inquired about the individuals that walked from across the street. DO (b)(6),(b)(7)(C) stated that



everyone denied seeing or knowing those individuals. DO (b)(6),(b)(7)(C) stated that they had discovered that (b)(6),(b)(7)(C) was a prior deport and he was arrested.

DO (b)(6),(b)(7)(C) stated that two other males were arrested at the residence for being in the U.S. illegally, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

OPR did not interview (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) because of the difficulty in locating these two individuals.

### **Form I-213**

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C), and it makes no mention of who gave consent to enter the residence. (Exhibit 13)

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C), and it makes no mention who gave consent to enter the residence. (Exhibit 13)

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C), and it states that (b)(6),(b)(7)(C) gave the FOT permission to enter and search the residence. (Exhibit 13)

3. (b)(6),(b)(7)(C) Fort  
Payne, AL

### **Interview of** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed detainee Diego at LDC. Present at the interview were two attorneys (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) from SPLC and two representatives from CRCL, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). Interpreters were provided by CRCL via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 16)

(b)(6),(b)(7)(C) Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and the day of the interview. A Release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C) detainee (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) Detainee (b)(6),(b)(7)(C) stated that she and her husband (b)(6),(b)(7)(C) arrived at their residence and officers were there waiting for them. Detainee (b)(6),(b)(7)(C) stated that the officers showed her a photo of her husband and asked for identification. Detainee (b)(6),(b)(7)(C) stated that her identification was in the residence, and the officers asked her to open the door to go and look for her identification. Detainee (b)(6),(b)(7)(C) stated that when she walked into her residence three of the officers followed her inside searching her bedroom and their son's bedroom. Detainee (b)(6),(b)(7)(C) stated that the officers were wearing vests with ICE on it, and she was arrested along with her son, (b)(6),(b)(7)(C)



(b)(6),(b)(7)(C) Detainee (b)(6),(b)(7)(C) stated that her husband was not arrested because he had just filed for a motion to re-open his immigration case.

#### **Interview of DO (b)(6),(b)(7)(C)**

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that he confronted (b)(6),(b)(7)(C) along with his wife (b)(6),(b)(7)(C) in front of their residence. DO (b)(6),(b)(7)(C) stated that upon conducting record checks on (b)(6),(b)(7)(C) it indicated that she had an active immigration warrant and Ms. (b)(6),(b)(7)(C) was taken into custody.

DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) indicated that he had a new court hearing with the immigration judge, and that his paperwork was inside the residence. DO (b)(6),(b)(7)(C) stated that he asked for permission to go with (b)(6),(b)(7)(C) inside the residence to retrieve the paperwork, and (b)(6),(b)(7)(C) agreed to allow them to enter. DO (b)(6),(b)(7)(C) stated that he along with (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) entered the residence. DO (b)(6),(b)(7)(C) stated that while inside the residence they encountered (b)(6),(b)(7)(C) adult son who provided identification that he was (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that it was determined through immigration record checks, (b)(6),(b)(7)(C) was in the U.S. illegally and he was taken into custody.

#### **Interview of SDDO (b)(6),(b)(7)(C)**

On February 7, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that the FOT was at the address looking for a fugitive named (b)(6),(b)(7)(C). While they were at the residence, (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C), returned home in their vehicle. SDDO (b)(6),(b)(7)(C) stated that DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) went to the vehicle to talk to them.

SDDO (b)(6),(b)(7)(C) stated that after conducting several computer queries, it was determined that (b)(6),(b)(7)(C) had an active Warrant of Deportation (I-205), and she was also identified as an ICE fugitive alien.

SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) had immigration court documents in his possession that indicated he was granted a motion to reopen in his immigration court proceedings dated 12/9/2011, and (b)(6),(b)(7)(C) was not taken into custody.

SDDO (b)(6),(b)(7)(C) stated that their son (b)(6),(b)(7)(C) was arrested for not having documents and being in the U.S. illegally. (b)(6),(b)(7)(C) was released after processing on his own recognizance (OR).

SDDO (b)(6),(b)(7)(C) stated that he does not know who gave permission for the FOT members to enter the residence.

## Interview of DO Wojcik

On February 21, 2012, SAs (b)(6), (b)(7)(C) and Harris interviewed DO (b)(6), (b)(7)(C). DO (b)(6), (b)(7)(C) was represented by Union President (b)(6), (b)(7)(C). DO (b)(6), (b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6), (b)(7)(C) was provided a Disclosure Warning for Union Representative. (Exhibit 17)

DO (b)(6), (b)(7)(C) stated that the FOT went to the address to locate fugitive (b)(6), (b)(7)(C). While at the residence (b)(6), (b)(7)(C) and his wife, (b)(6), (b)(7)(C) arrived at the residence in their vehicle. DO (b)(6), (b)(7)(C) stated that he approached the vehicle and identified (b)(6), (b)(7)(C) as their fugitive.

DO (b)(6), (b)(7)(C) stated that after conducting computer queries it was determined that Ms. (b)(6), (b)(7)(C) was identified as an ICE fugitive. DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) claimed to have documentation in his residence to show his case had been re-opened, and Ms. (b)(6), (b)(7)(C) claimed to have her immigration papers in the residence, as well. DO (b)(6), (b)(7)(C) stated that both, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) gave consent for the FOT to enter the residence.

DO (b)(6), (b)(7)(C) stated that the (b)(6), (b)(7)(C) was in possession of documents showing that his case was reopened so he was not taken into custody. (b)(6), (b)(7)(C) had no paperwork showing legal status, therefore she was arrested.

DO (b)(6), (b)(7)(C) stated that their son, (b)(6), (b)(7)(C) was also encountered by the FOT in the residence. DO (b)(6), (b)(7)(C) stated that it was determined that (b)(6), (b)(7)(C) was illegally in the U.S. and he was arrested along with his mother.

## Form I-213

The Form I-213 for detainee (b)(6), (b)(7)(C) was prepared by DO (b)(6), (b)(7)(C), and states that the "fugitives" gave the FOT permission to enter their trailer and search for documents. It does not mention who received the consent or who witnessed the consent. (Exhibit 13)

The Form I-213 for (b)(6), (b)(7)(C) was prepared by DO (b)(6), (b)(7)(C), and the form states that the "fugitives" gave permission for the FOT to enter the residence. (Exhibit 13)

4. (b)(6), (b)(7)(C), **Fort Payne, AL.**

## Interview of (b)(6), (b)(7)(C)

On December 29, 2011, SAs (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) interviewed detainee (b)(6), (b)(7)(C) at LDC. Present at the interview were two attorneys from SPLC (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) who represents detainee (b)(6), (b)(7)(C). Also, two representatives, (b)(6), (b)(7)(C) and Ms.



(b)(6),(b)(7)(C) from DHS, CRCL were present. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 18)

Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and day of the interview. A release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that there were four officers wearing uniforms with ICE written on their backs that came to his residence. Detainee (b)(6),(b)(7)(C) stated that his wife (b)(6),(b)(7)(C) was going to work when the officers approached her. Detainee (b)(6),(b)(7)(C) stated that his wife knocked on the front door and advised him that the police were there to see him. Detainee (b)(6),(b)(7)(C) stated that when his wife came inside the four officers came in behind her. Detainee (b)(6),(b)(7)(C) stated that no one gave the officers permission to enter the residence.

Detainee (b)(6),(b)(7)(C) stated that the officers said they had a warrant for his arrest. Detainee (b)(6),(b)(7)(C) stated that he was in his sleeping clothes, but the officers would not allow him to change and when he went to pick up his shoes the officers grabbed him and threw him to the floor. Detainee (b)(6),(b)(7)(C) stated that the officers put his hands behind his back and handcuffed him while several officers put their foot on his back. Detainee (b)(6),(b)(7)(C) stated that he suffered an injury to his left shoulder, but he did not ask for medical treatment at that time.

## (b)(6),(b)(7)(C) 2nd Interview

On March 5, 2012, SA (b)(6),(b)(7)(C) re-interviewed detainee (b)(6),(b)(7)(C) at the LDC. Present at the interview was attorney (b)(6),(b)(7)(C) from SPLC who represents detainee (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 18)

Detainee (b)(6),(b)(7)(C) stated that he is suffering from the injury he received to his left shoulder during his arrest in December 2011. Detainee (b)(6),(b)(7)(C) stated that he is currently receiving treatment for his left shoulder injury from the doctor at LDC, and does not feel that he is getting better.

## Interview of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On March 5, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) Director for Medical Services at LDC. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 19) (b)(6),(b)(7)(C)

Director (b)(6),(b)(7)(C) stated that detainee (b)(6),(b)(7)(C) had never reported a shoulder injury to the medical staff, and detainee (b)(6),(b)(7)(C) is not under any medical care for his shoulder. Director (b)(6),(b)(7)(C) provided a copy of detainee (b)(6),(b)(7)(C) medical records. After reviewing the medical records it was determined there is nothing to indicate that detainee (b)(6),(b)(7)(C) complained or was examined for a shoulder injury.



**Interview of** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On January 27, 2012, SA (b)(6),(b)(7)(C) and RAC Booth interviewed (b)(6),(b)(7)(C). Present at the interview was attorney (b)(6),(b)(7)(C) from SPLC who represents (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 20) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the SPLC attorneys before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that she was in her vehicle preparing to go to work when an officer grabbed her by the jacket to get her attention. (b)(6),(b)(7)(C) stated that the officer advised her he was looking for a man, and wanted to know who lived in the residence with her.

(b)(6),(b)(7)(C) stated she told the officer that she along with her husband and daughter lives at the residence.

(b)(6),(b)(7)(C) stated that she knocked on the front door, and when her husband opened the door the officers immediately went inside the residence without permission. Ms.

(b)(6),(b)(7)(C) stated that besides the one white male officer that was talking with her, a black female and three more white male officers came to her residence wearing uniforms, and believes that the officers were armed.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and she identified DO

(b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) as being at the residence. Ms. (b)(6),(b)(7)(C) could not identify what each officer did while at her residence.

**Interview of DO** (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 17)

DO (b)(6),(b)(7)(C) stated that the FOT went to the location to arrest the ICE fugitive (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that he, SDDO (b)(6),(b)(7)(C) went to the address wearing ICE outer vest covers and identified themselves as police/ICE Agents.

DO (b)(6),(b)(7)(C) stated that DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) obtained consent from (b)(6),(b)(7)(C) to enter the residence. DO (b)(6),(b)(7)(C) stated that while the FOT was in the residence, Mr.

(b)(6),(b)(7)(C) was holding his keys, and he was told by officers to drop them. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) refused to comply and resisted being handcuffed.

**Interview of DO** (b)(6),(b)(7)(C)

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was represented by Union President, (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative. (Exhibit 21)

DO (b)(6),(b)(7)(C) stated that the FOT encountered detainee (b)(6),(b)(7)(C) wife, (b)(6),(b)(7)(C) who was getting into her vehicle. DO (b)(6),(b)(7)(C) stated that he made contact with (b)(6),(b)(7)(C) and advised her that they were looking for someone who lives at that address. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) if he could go inside and talk to her husband, and she replied "yes". DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(7)(C) walked to the front door with (b)(6),(b)(7)(C) and as the door opened, detainee (b)(6),(b)(7)(C) was standing in the doorway. DO (b)(6),(b)(7)(C) stated that he had a photo of detainee (b)(6),(b)(7)(C) so he recognized him immediately. DO (b)(6),(b)(7)(C) stated that he advised detainee (b)(6),(b)(7)(C) who they were, and asked detainee (b)(6),(b)(7)(C) if the FOT could come inside and talk to him. DO (b)(6),(b)(7)(C) stated that detainee (b)(6),(b)(7)(C) gave consent for them to enter the residence.

DO (b)(6),(b)(7)(C) stated that once inside, detainee (b)(6),(b)(7)(C) was asked for his documents, and detainee (b)(6),(b)(7)(C) went to the bedroom to retrieve his identification. DO (b)(6),(b)(7)(C) stated that he told detainee (b)(6),(b)(7)(C) that they had a warrant for his arrest. Detainee (b)(6),(b)(7)(C) had a set of keys in his hand, which he would not let go of. DO (b)(6),(b)(7)(C) stated that Mr. (b)(6),(b)(7)(C) was trying to go past the FOT members and leave the bedroom. DO (b)(6),(b)(7)(C) stated that when one of the FOT members grabbed (b)(6),(b)(7)(C) hands, he resisted and DO (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) grabbed (b)(6),(b)(7)(C) placing him on the bed while DO (b)(6),(b)(7)(C) placed handcuffs on him.

#### Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that he observed a female, later identified as (b)(6),(b)(7)(C) come out of the residence and get into a vehicle. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked (b)(6),(b)(7)(C) if they could enter the residence to speak to her husband and she agreed. As they approached the front door, it was opened by a Hispanic male, who was identified by the picture on the FOW as (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked (b)(6),(b)(7)(C) if they could come inside to talk with him and he gave consent.

DO (b)(6),(b)(7)(C) stated that it was explained to (b)(6),(b)(7)(C) and his wife, that they had a warrant for (b)(6),(b)(7)(C) arrest, and at that time (b)(6),(b)(7)(C) became combative and FOT members had to secure (b)(6),(b)(7)(C).

#### Interview of DO (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On February 24, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 15) (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that the FOT was at the residence looking for ICE fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that when she arrived at the residence the other FOT members were already inside. DO (b)(6),(b)(7)(C) stated that she went inside the residence and noticed a



female in the kitchen area. DO (b)(6),(b)(7)(C) stated that she began talking with the female to help calm her while detainee (b)(6),(b)(7)(C) was being arrested.

#### **Interview of SDDO (b)(6),(b)(7)(C)**

On February 7, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that he was located at the rear of the address to provide coverage to the FOT. The FOT was at the residence searching for an ICE fugitive named

(b)(6),(b)(7)(C) SDDO (b)(6),(b)(7)(C) stated that they were all wearing vest and identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. SDDO (b)(6),(b)(7)(C) stated that all officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

SDDO (b)(6),(b)(7)(C) stated that he did not know who gave FOT members consent to enter the residence.

SDDO (b)(6),(b)(7)(C) stated that after encountering detainee (b)(6),(b)(7)(C) the FOT members explained to him that there was a warrant for his arrest, and at that time detainee (b)(6),(b)(7)(C) became resistant and control techniques were used to place detainee (b)(6),(b)(7)(C) in handcuffs. SDDO (b)(6),(b)(7)(C) stated that after (b)(6),(b)(7)(C) was in handcuffs, he began to apologize for resisting.

#### **FOW and FORM I-213**

The FOW was prepared by DO (b)(6),(b)(7)(C) and it states that the "Subject" gave consent to enter the residence. (Exhibit 12)

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and it states that both (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) gave consent for the FOT to enter the residence. (Exhibit 13)

### **5. (b)(6),(b)(7)(C) Fort Payne, AL.**

#### **Interview of (b)(6),(b)(7)(C)**

On January 26, 2012, SA (b)(6),(b)(7)(C) and RAC Booth interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney from SPLC, (b)(6),(b)(7)(C) and from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) participated via telephone. CRCL provided the interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 22)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A Release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that officers wearing clothes with ICE on their back knocked on the front door, and when he opened the door the officers entered without asking permission. Mr.



(b)(6),(b)(7)(C) stated that the officers showed him a photograph of a female who reportedly used the address. (b)(6),(b)(7)(C) stated he advised the officers that he did not know the female in the photograph.

(b)(6),(b)(7)(C) stated that the officers asked him if they could search his trailer, and (b)(6),(b)(7)(C) stated that the officers were already inside looking around anyway. (b)(6),(b)(7)(C) stated that on the top of his television was a photograph of his two daughters who are 19 and 20 years old. (b)(6),(b)(7)(C) stated that two officers looked at the picture and began laughing saying that they liked those "pussies" in the picture. (b)(6),(b)(7)(C) stated that he cannot remember which officer made the comment.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) as being at his residence, but he did not remember which officer did what while inside the residence.

OPR requested a copy of the photo that (b)(6),(b)(7)(C) described for investigative purposes, but SPLC declined the request.

#### Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that he along with DO (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) went to the address to locate fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that SDDO (b)(6),(b)(7)(C) knocked on the door, and a man, later identified as (b)(6),(b)(7)(C) was advised that the FOT was looking for someone that was using his address. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) granted permission for them to enter and to search the residence. DO (b)(6),(b)(7)(C) stated that they showed a photograph of (b)(6),(b)(7)(C) to (b)(6),(b)(7)(C) and he stated that he did not know her. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was asked about his immigration status, and it was determined that he was illegally in the U.S., and he was taken into custody.

DO (b)(6),(b)(7)(C) stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

#### Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 17)

DO (b)(6),(b)(7)(C) stated that he along with SDDO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) went to the address looking for fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that when they knocked on the front door a Hispanic male (b)(6),(b)(7)(C) gave FOT members consent to enter the residence.

DO (b)(6),(b)(7)(C) stated they were wearing outer ICE vest covers with their badges, identifying themselves as police and or ICE agents.

DO (b)(6),(b)(7)(C) stated that the ICE fugitive was not located, but (b)(6),(b)(7)(C) was arrested for being in the U.S. illegally.

#### **Interview of SDDO (b)(6),(b)(7)(C)**

On February 7, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C). (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that he along with DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) went to the residence looking for a female fugitive (b)(6),(b)(7)(C). SDDO (b)(6),(b)(7)(C) stated that he knocked on the front door and (b)(6),(b)(7)(C) answered. SDDO (b)(6),(b)(7)(C) stated that he showed (b)(6),(b)(7)(C) a photograph of (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) said he did not know her, and that no women lived in the house. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) then said they can come in and look around.

SDDO (b)(6),(b)(7)(C) stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. Each officer was displaying ICE badges, weapons and verbally identified themselves as law enforcement.

#### **FORM I-213**

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT members permission to enter and search his residence. The Form I-213 does not state who obtained or witnessed the consent. (Exhibit 13)

6. (b)(6),(b)(7)(C) Fort Payne, AL

#### **Interview of (b)(6),(b)(7)(C)**

On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview were two attorneys from SPLC (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and two representatives from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). Interpreters were provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C). (Exhibit 23)

Detainee (b)(6),(b)(7)(C) was in contact with the SPLC attorneys the day before and the day of the interview. A release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C).

Detainee (b)(6),(b)(7)(C) stated that he was outside his residence when the officers approached him and asked for his documents. Detainee (b)(6),(b)(7)(C) stated that he went inside his home and brought out his documents, giving them to the officers. Detainee



(b)(6),(b)(7)(C) stated that one of the officers took his documents and made a phone call. After the phone call the officer placed him in handcuffs. Detainee (b)(6),(b)(7)(C) stated that no officer ever told him why he was being arrested. Detainee (b)(6),(b)(7)(C) stated that after the officer handcuffed him, the other officer went inside his residence without permission and stayed inside for about ten minutes. Detainee (b)(6),(b)(7)(C) stated he did not know why the officer went into his residence, but he did not have permission from him to enter.

#### Interview of DO (b)(6),(b)(7)(C)

On February 22, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). (Exhibit 21)

DO (b)(6),(b)(7)(C) stated that they went to the address looking for a female ICE fugitive. DO (b)(6),(b)(7)(C) stated that he drove past the residence and noticed a male in the backyard. DO (b)(6),(b)(7)(C) stated he approached the male and identified himself as an ICE agent. The male was identified as (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that he advised detainee (b)(6),(b)(7)(C) that they were looking for someone who had used the address in the past, and asked if they could go inside and look around. DO (b)(6),(b)(7)(C) stated that detainee (b)(6),(b)(7)(C) gave them permission to enter the residence, but the target was not located.

DO (b)(6),(b)(7)(C) stated that after running record queries through immigration records, they discovered that detainee (b)(6),(b)(7)(C) was previously removed from the United States. DO (b)(6),(b)(7)(C) stated that detainee (b)(6),(b)(7)(C) was told that he was under arrest for being a previously removed alien.

#### Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that they went to the address looking for a female ICE fugitive and observed (b)(6),(b)(7)(C) in the backyard of the residence. DO (b)(6),(b)(7)(C) stated that he along with SDDO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) approached (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that SDDO (b)(6),(b)(7)(C) began checking (b)(6),(b)(7)(C) identification, and running records checks while he and DO (b)(6),(b)(7)(C) explained to (b)(6),(b)(7)(C) that they were looking for a female reported to have lived at the address. DO (b)(6),(b)(7)(C) stated that they asked (b)(6),(b)(7)(C) for permission to enter his residence to search for the fugitive and (b)(6),(b)(7)(C) gave them consent.

DO (b)(6),(b)(7)(C) stated that before they entered the residence it was discovered that Mr. (b)(6),(b)(7)(C) had been previously removed and he was taken into custody.



DO (b)(6),(b)(7)(C) stated that he along with DO (b)(6),(b)(7)(C), SDDC (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) entered the residence. The target was not found.

### Form I-213

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and it does not mention who gave consent to enter the residence and who witnessed the consent being given. (Exhibit 13)

### 7. (b)(6),(b)(7)(C) Rainsville, AL.

#### Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at the LDC. Present at the interview were two attorneys from SPLC (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and two representatives from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C). (Exhibit 24)

Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and the day of the interview. A release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C).

Detainee (b)(6),(b)(7)(C) stated that he was in his bedroom when officers arrived. Detainee (b)(6),(b)(7)(C) stated his wife (b)(6),(b)(7)(C) answered the door, and the officers came into the residence without permission. After coming inside, the officers came into the bedroom where he was located and arrested him. Detainee (b)(6),(b)(7)(C) stated that the officers were wearing vests with ICE on it.

Detainee (b)(6),(b)(7)(C) stated that he could not identify any of the officers.

#### Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) and RAC (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. (b)(6),(b)(7)(C) was represented by an attorney, (b)(6),(b)(7)(C) from SPLC. Also, via telephone (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) from CRCL were present. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C). (Exhibit 25)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) stated that one black female and one white male officer each wearing vest with ICE on the back came to her residence. (b)(6),(b)(7)(C) stated that the officers knocked on the door, and when she opened it the officers stated they were looking for a person named (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) stated that the officers asked if they could come inside and she told them "no", but the officers came inside anyway.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) only identify DO (b)(6),(b)(7)(C).

#### **Interview of DO (b)(6),(b)(7)(C)**

(b)(6),(b)(7)(C) On February 22, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). (Exhibit 21)

DO (b)(6),(b)(7)(C) stated that he knocked on the front door and a female, identified as (b)(6),(b)(7)(C) answered. DO (b)(6),(b)(7)(C) stated that they identified themselves as ICE agents and they were looking for someone who used this address. DO (b)(6),(b)(7)(C) stated that he asked if he could come inside to speak with (b)(6),(b)(7)(C) husband and she replied "yes."

DO (b)(6),(b)(7)(C) stated that he advised both (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) that the FOT was in possession of an order of deportation for detainee (b)(6),(b)(7)(C) and he was taken into custody.

#### **Interview of DO (b)(6),(b)(7)(C)**

On February 24, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). (Exhibit 15)

DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) knocked on the front door of the residence and the wife, later identified as (b)(6),(b)(7)(C) answered the door. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) explained who they were, and that they were looking for someone who lived at the address. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) said she lived there with her husband and three children. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked for permission to enter the residence and (b)(6),(b)(7)(C) said "yes." DO (b)(6),(b)(7)(C) stated that once they entered the residence they encountered the target (b)(6),(b)(7)(C) and placed him under arrest.

#### **Interview of DO (b)(6),(b)(7)(C)**

On February 21, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). (Exhibit 17)

DO (b)(6),(b)(7)(C) stated that the FOT went to the address to arrest the fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) went to the front door and knocked while he went toward the rear of the residence. DO (b)(6),(b)(7)(C) stated that he was notified that DO (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were inside the residence. DO (b)(6),(b)(7)(C) stated that DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) informed detainee (b)(6),(b)(7)(C) that he was under arrest.

#### **The FOW and Form I-213**

The FOW was prepared by DO (b)(6),(b)(7)(C) and states that (b)(6),(b)(7)(C) gave consent to enter the residence and DO (b)(6),(b)(7)(C) witnessed. (Exhibit 12)



The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and states that (b)(6),(b)(7)(C) gave permission to enter and search the residence. (Exhibit 13)

8. (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SA (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed detainee Diego at LDC. Present at the interview were attorneys (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) from SPLC representing detainee (b)(6),(b)(7)(C) and representatives from CRCL, (b)(6),(b)(7)(C) and Ms. (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 26)

Detainee (b)(6),(b)(7)(C) was allowed contact with the SPLC attorneys the day before and the day of the interview. A release form was furnished by SPLC to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that there were three officers that went to his residence. Detainee (b)(6),(b)(7)(C) stated that one of his daughters opened the door and the officers rushed into the residence. Detainee (b)(6),(b)(7)(C) stated that one officer came into his bedroom and grabbed him and placed him under arrest. Detainee (b)(6),(b)(7)(C) stated that the officers were wearing vests with something on it, but he did not remember what it was. Detainee (b)(6),(b)(7)(C) stated he could not identify any of the officers.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) and RAC (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present at the interview was an attorney, (b)(6),(b)(7)(C) from SPLC, and via telephone (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 27)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that three white male officers came to the residence that day and they were wearing vests with letters on it, but (b)(6),(b)(7)(C) stated she does not know how to read or write. (b)(6),(b)(7)(C) stated that she could not identify the officers.

(b)(6),(b)(7)(C) stated that there was a knock at the front door, and her daughter (b)(6),(b)(7)(C) (12 yrs. old) opened the door. (b)(6),(b)(7)(C) stated that she was attempting to stop the door from opening, but the officers rushed inside without her permission. (b)(6),(b)(7)(C) stated that the officers only spoke with (b)(6),(b)(7)(C) because she spoke English.



(b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) told her, one of the officers asked her where (b)(6),(b)(7)(C) was, and said "if you lie to me we will take your whole family and you – every single one of you." (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) pointed at the bedroom where her father (b)(6),(b)(7)(C) was located. The officers then went into the bedroom and searched the closet.

OPR requested through SPLC to interview the daughter (b)(6),(b)(7)(C) but SPLC declined OPR's request.

## (b)(6),(b)(7)(C) – 2nd Interview

(b)(6),(b)(7)(C) On February 14, 2012, SA (b)(6),(b)(7)(C) re-interviewed detainee (b)(6),(b)(7)(C) at the LDC. Present at the interview was an attorney (b)(6),(b)(7)(C) from SPLC who represents (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 26)

Detainee (b)(6),(b)(7)(C) admitted that he and his wife (b)(6),(b)(7)(C) provided false information during their original statements to OPR. Detainee (b)(6),(b)(7)(C) stated that they fabricated the story in fear of him being deported.

Detainee (b)(6),(b)(7)(C) stated that he recognized the ICE agents as they approached his residence, so he ran and hid in a little room where the hot water heater is located. The officer shined a flashlight on him, and told him to come out. He came out, and the officer put handcuffs on him. Detainee (b)(6),(b)(7)(C) stated that he was sorry that he and his wife did not tell the truth.

## Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) and RAC (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney (b)(6),(b)(7)(C) from SPLC, and from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) via telephone. An interpreter was provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 28)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was standing in the kitchen of his residence when he heard a knock on the front door. (b)(6),(b)(7)(C) stated that when the officers saw him they asked for his identification, and then told him to sit on the couch. (b)(6),(b)(7)(C) stated that the officers asked him where his brother (b)(6),(b)(7)(C) was, and (b)(6),(b)(7)(C) stated he told the officers that he did not know.

(b)(6),(b)(7)(C) stated that he showed the officers his documentation, and the officers advised him that he and his brother (b)(6),(b)(7)(C) were going to be arrested.

(b)(6),(b)(7)(C) was shown a photo line-up and he identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) could not describe what each FOT member did at the residence.

### Interview of DO (b)(6),(b)(7)(C)

On February 22, 2012, SAs (b)(6),(b)(7)(C) and Harris interviewed DO (b)(6),(b)(7)(C) (Exhibit 21)

DO (b)(6),(b)(7)(C) stated that when he knocked on the front door it got loud and noisy on the inside like people were running, and then the noise just suddenly stopped. DO (b)(6),(b)(7)(C) stated that a female (possibly teenager) opened the door. DO (b)(6),(b)(7)(C) stated that he spoke English to her, and he noticed that an adult female was standing behind the young female talking to her. DO (b)(6),(b)(7)(C) stated that he asked the young female if that was her mother and she said yes. DO (b)(6),(b)(7)(C) stated that he asked the daughter if she could tell her mother who they were and that they were looking for someone. DO (b)(6),(b)(7)(C) stated that he asked the daughter to ask her mother if they could come inside and look around. DO (b)(6),(b)(7)(C) stated that the mother and daughter were speaking to one another in their dialect, and at the same time the daughter said they could come in and the mother waved them in with her hands.

Upon entering the residence, DO (b)(6),(b)(7)(C) stated that a Hispanic male identified as Mr. (b)(6),(b)(7)(C) was sitting in the kitchen eating as if no one was there and never acknowledged their presence.

DO (b)(6),(b)(7)(C) stated that there was a furnace close to (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) pulled the cover off of the furnace and (b)(6),(b)(7)(C) was hiding behind the furnace. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was arrested, and (b)(6),(b)(7)(C) was also arrested because he was in the U.S. illegally with no documents.

### Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that when DO (b)(6),(b)(7)(C) knocked on the front door, it sounded like major construction started inside the house, it was loud and there were banging noises coming from the kitchen/bedroom area. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) indicated that they had permission to search the residence.

DO (b)(6),(b)(7)(C) stated that a male, later identified as (b)(6),(b)(7)(C) was sitting at a table in the kitchen holding a baby and eating a few feet away from the furnace. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) continued sitting at the table eating and holding the child.

DO (b)(6),(b)(7)(C) stated that he located (b)(6),(b)(7)(C) hiding inside an interior wall behind the furnace. DO (b)(6),(b)(7)(C) stated that he pulled the furnace cover off and saw (b)(6),(b)(7)(C) hiding behind/inside the furnace. (b)(6),(b)(7)(C) was instructed to come out from behind the furnace, and he had to be assisted out through a fake door inside the bedroom closet.



DO (b)(6),(b)(7)(C) stated that upon requesting identification from (b)(6),(b)(7)(C) it was determined that (b)(6),(b)(7)(C) was illegally present in the United States and was taken into custody along with (b)(6),(b)(7)(C).

### Interview of SDDO (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On February 7, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) knocked at the front door and made contact with the residents. SDDO (b)(6),(b)(7)(C) stated that he was standing off of the porch, but could hear consent given to enter the residence. SDDO (b)(6),(b)(7)(C) stated he did not see who gave consent, but he could hear a female voice. SDDO (b)(6),(b)(7)(C) stated that after receiving consent they entered the residence. SDDO (b)(6),(b)(7)(C) stated that they were told that the target (b)(6),(b)(7)(C) was not in the residence, and that they could look around. SDDO (b)(6),(b)(7)(C) stated that they heard and saw the target (b)(6),(b)(7)(C) hiding behind the A/C and furnace unit, and he eventually came out.

### FOW and Form I-213

The FOW was prepared by DO (b)(6),(b)(7)(C) for detainee (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT consent to enter the residence. (Exhibit 12)

Form I-213 for the target (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT consent to enter the residence. (Exhibit 13)

Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT consent to enter the residence. (Exhibit 13)

9. (b)(6),(b)(7)(C)

### Fort Payne, AL.

### Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SAs (b)(6),(b)(7)(C) and RAC (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) and present at the interview was an attorney (b)(6),(b)(7)(C) with SPLC, and from CRCI (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) via telephone. An interpreter was used via telephone, and was provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 29)

(b)(6),(b)(7)(C) was in contact with the SPLC attorneys before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was confronted by the ICE officers outside his apartment. (b)(6),(b)(7)(C) stated that several officers stayed with him while other officers went to his (b)(6),(b)(7)(C), knocked loud on the door, and his two young daughters opened the



door. (b)(6),(b)(7)(C) stated that the officer(s) then went inside the apartment while two officers stayed with him at his car. (b)(6),(b)(7)(C) stated that there were four white male officers present wearing shirts with ICE written on the back, and they were wearing weapons.

(b)(6),(b)(7)(C) stated that he asked the officers if he could go inside his residence to get his documents. (b)(6),(b)(7)(C) stated that when he walked inside his apartment the officers followed him inside without asking for permission.

(b)(6),(b)(7)(C) stated that he and others that live in the apartment were brought to the living room area, and an officer showed everyone a picture. The officer asked if anyone recognized or knew this person. (b)(6),(b)(7)(C) stated that the officer then began asking everyone when they arrived in the United States.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members, and (b)(6),(b)(7)(C) identified DOs (b)(6),(b)(7)(C) as being at the residence, but could not identify which officers stayed with him and which officers went inside his residence.

#### Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) and RAC (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney (b)(6),(b)(7)(C) with SPLC, and from CRCL (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) via telephone. CRCL provided the Interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (Exhibit 30)

(b)(6),(b)(7)(C) was in contact with the SPLC attorney before the interview. A release form was furnished by SPLC to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that there were four white male officers that entered the residence wearing police type uniforms with weapons. (b)(6),(b)(7)(C) stated that he heard the officer(s) knock on the front door while he was in his bedroom with his wife and son.

(b)(6),(b)(7)(C) stated that he overheard the officer(s) asking the children where their mother and father were. (b)(6),(b)(7)(C) stated that the officers then knocked on his bedroom door and (b)(6),(b)(7)(C) stated he told his wife to open the door. (b)(6),(b)(7)(C) stated that upon entering the bedroom, an officer took him, his wife and son into the living room. (b)(6),(b)(7)(C) stated that he did not give the officers permission to enter and search his bedroom. (b)(6),(b)(7)(C) stated that he was arrested along with (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members, and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) as being at the residence. (b)(6),(b)(7)(C) could not remember which officer came into his bedroom.

### Re-interview of Victor

On March 22, 2012, SA [redacted] and [redacted] re-interviewed [redacted] and [redacted]. Present at the interviews was an attorney, [redacted] with SPLC who represents [redacted] and [redacted]. An interpreter was used via telephone for both interviews provided by CRCL. (Exhibit 29 and 30)

[redacted] and [redacted] maintained their original statements given to OPR that neither had given permission for the FOT members to enter their residence and search.

### Interview of DO

On February 21, 2012, SAs [redacted] and [redacted] interviewed DO [redacted] (Exhibit 17)

DO [redacted] stated that the FOT went to the residence searching for an ICE fugitive when the FOT encountered a male later identified as [redacted] in the parking lot. Mr. [redacted] was approached by the FOT, and based upon the information that [redacted] provided, it was determined that he was in the U.S. illegally.

DO [redacted] stated that [redacted] advised the FOT that he had a passport inside his residence, and gave the FOT permission to enter his residence with him to obtain his passport.

DO [redacted] stated that upon entering the residence the team encountered [redacted] and determined that he was also in the U.S. illegally. DO [redacted] stated that he does not recall who first encountered [redacted] in the apartment.

### Interview of DO

On February 22, 2012, SAs [redacted] and [redacted] interviewed DO [redacted] (Exhibit 21)

DO [redacted] stated that the FOT went to the address searching for a fugitive, [redacted]. As the FOT arrived at the apartment complex parking lot, they encountered an individual later identified as [redacted]. DO [redacted] stated that Mr. [redacted] advised him that he did not live at this building, and that he was coming over to buy a four wheel motorcycle that was on the back porch of that apartment building.

DO [redacted] stated that he went to [redacted] knocked on the door, and a young female about five or six years old answered. DO [redacted] stated that he asked the child if her parents were home, and at that time, one of the officers who was back at the car with [redacted] (believed to be DO [redacted]) shouted that [redacted] admitted that he lived there, and was going inside to get his identification. DO [redacted] stated that they accompanied [redacted] inside apartment to retrieve his passport.



DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally, and without proper documentation so he was taken into custody.

DO (b)(6),(b)(7)(C) stated that he first encountered (b)(6),(b)(7)(C) in the common area of the apartment, and had no knowledge of how (b)(6),(b)(7)(C) arrived there. DO (b)(6),(b)(7)(C) stated that he did not recall who checked the identification of (b)(6),(b)(7)(C), but it was determined during the routine checks that (b)(6),(b)(7)(C) was in the U.S. illegally.

#### Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) (Exhibit 10)

DO (b)(6),(b)(7)(C) stated that when the FOT arrived at the address (b)(6),(b)(7)(C) was also getting out of his vehicle. DO (b)(6),(b)(7)(C) stated that the FOT contacted (b)(6),(b)(7)(C) and asked him questions concerning where he lived. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) said that he was there to work on a mini-bike that was positioned between two apartments.

DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) for identification. (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally. Based on his admission, DO (b)(6),(b)(7)(C) placed Mr. (b)(6),(b)(7)(C) under arrest and handcuffed him.

DO (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) admitted that he lived in the apartment, and that his passport was in his apartment. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) if they could all go in together to get his identification and (b)(6),(b)(7)(C) gave the FOT consent to enter. DO (b)(6),(b)(7)(C) stated that he notified DO (b)(6),(b)(7)(C) that (b)(6),(b)(7)(C) gave consent to enter his apartment.

DO (b)(6),(b)(7)(C) stated that he, (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) went in the residence together and obtained (b)(6),(b)(7)(C) identification, and the identification of all the adults inside the residence, with the exception of (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) was unable to provide any identification, and admitted that he was in the United States illegally. At that time (b)(6),(b)(7)(C) was taken into custody along with (b)(6),(b)(7)(C)

#### Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) (Exhibit 11)

SDDO (b)(6),(b)(7)(C) stated that the FOT went to that location in an attempt to locate a fugitive, (b)(6),(b)(7)(C). SDDO (b)(6),(b)(7)(C) stated that prior to knocking on the residence, (b)(6),(b)(7)(C) drove up in the parking lot. One of the officers asked him where he lived, and (b)(6),(b)(7)(C) pointed toward the apartments. SDDO (b)(6),(b)(7)(C) stated that Mr.



(b)(6),(b)(7)(C) gave the FOT consent to go inside the apartment with him and retrieve his passport.

SDDO (b)(6),(b)(7)(C) stated that once inside, there were several other people in the apartment. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was illegally in the U.S., and he was arrested along with (b)(6),(b)(7)(C).

SDDO (b)(6),(b)(7)(C) stated that the FOT was wearing vests and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified themselves as law enforcement. (Exhibit 31)

SDDO (b)(6),(b)(7)(C) stated that he witnessed (b)(6),(b)(7)(C) giving authorization to enter his apartment. SDDO (b)(6),(b)(7)(C) stated that all officers acted in a professional manner, and all policies and procedures were followed.

### **Form I-213**

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C), and it does not state who received the authorization or who witnessed the authorization to enter the apartment. DO (b)(6),(b)(7)(C) stated that he did not document who specifically (b)(6),(b)(7)(C) gave the consent to, and he does not recall. (Exhibit 13)

The Form I-213, was also prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C) and it states that permission to enter the residence was granted by (b)(6),(b)(7)(C) to enter the residence and to retrieve his (b)(6),(b)(7)(C) passport. There was no mention regarding (b)(6),(b)(7)(C) giving permission for the FOT to enter (b)(6),(b)(7)(C) bedroom and conduct a search. (Exhibit 13)

**PROSECUTORIAL ACTION:** On April 17, 2012, the United States Attorney's Office, Northern District of Alabama, reviewed this case for prosecutorial merit. The prosecuting Assistant United States Attorney (AUSA) declined prosecution of the case on May 4, 2012.

### **NOTE:**

Most of the individuals arrested along with witnesses listed in this report have been deported or have left the United States, and returned to their country of origin.

There were numerous witnesses not interviewed during the course of the investigation due to their failure to appear for a scheduled interview with OPR. OPR enlisted the assistance of the SPLC to contact individuals but they could not contact them.

Although some witnesses identified the Birmingham FOT members as being at their residences in a photo line-up, not one witness could identify any FOT member committing any type of offense.

One detainee admitted to OPR that he and his wife had previously lied during their original statements to OPR, because he was afraid of being deported.

As previously mentioned in this report, all detainees and witnesses were allowed contact with the SPLC attorneys the day before the interviews and SPLC attorneys were present during every interview. Release forms were furnished from SPLC to represent and advise individuals in this matter.

This investigation is closed and does not require any agency action.

## EXHIBITS

1. Southern Poverty Letter Dated December 16, 2011
2. New Orleans Field Office Target List
3. Field Office Operations Plan
4. Memorandum: National Fugitive Operations Program
5. Policy and Guidance Memorandums
6. Fourth Amendment Training
7. Agent Affidavit for (b)(6),(b)(7)(C)
8. Southern Poverty Release Forms
9. Agent Affidavit for (b)(6),(b)(7)(C)
10. Affidavit from DO
11. Affidavit from SDDO (b)(6),(b)(7)(C)
12. Field Operations Worksheets
13. Record of Deportable Aliens (I-213)
14. Agent Affidavit for (b)(6),(b)(7)(C)
15. Affidavit from DO
16. Agent Affidavit for (b)(6),(b)(7)(C)
17. Affidavit from DO
18. Agent Affidavit for
19. Agent Affidavit for
20. Agent Affidavit for
21. Affidavit from DO
22. Agent Affidavit for
23. Agent Affidavit for
24. Agent Affidavit for
25. Agent Affidavit for
26. Agent Affidavit for
27. Agent Affidavit for
28. Agent Affidavit for
29. Agent Affidavit for
30. Agent Affidavit for
31. Photo of ICE Vest





## COMPLAINT INTAKE FORM

Department of Homeland Security-Office of Inspector General  
Office of Investigations

BTN Complaint Number (b)(7)(E)

Date: 1/20/12

Time: 4:22 PM

**Complaint Received By:** Telephone

**COMPLAINANT:** (b)(6),(b)(7)(C) Sherman Oaks, CA

**SUBJECT(s) of Complaint:** (b)(6),(b)(7)(C) Unknown Title. ICE. Los Angeles, CA

**DETAILS:** (b)(6),(b)(7)(C) the victims' lawyer, is claiming on August 24th, 2011 ICE officers entered his client's property. The victims' house is on property that holds two houses. The lawyer believes the ICE officers had an arrest warrant for someone living in the other house. Upon entering the property the complainant claims the ICE officers shot and killed two of the victims' dogs. The officers then pointed their weapons at the victims and their families, including women and children. The ICE officers handcuffed the victims while they finished executing the search warrant. Eventually the victims were let go. The victims were not able to get any of the ICE officers personal information.

### WITNESSES/VICTIMS

(b)(6),(b)(7)(C) Los Angeles, CA. 90003  
(b)(6),(b)(7)(C) Los Angeles, CA. 90003  
(b)(6),(b)(7)(C) Los Angeles, CA. 90003  
(b)(6),(b)(7)(C) Los Angeles, CA. 90003  
(b)(6),(b)(7)(C) Los Angeles, CA. 90003

**Information received by:** Call Center Operator

### COMPLAINT IS:

Civil Rights  
Matter

☐

Privacy Incident

☐

### **Law Enforcement Sensitive**

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

## CONSENT TO DISCLOSURE OF COMPLAINT OR ALLEGATION

The Hotline Call Center Operators must inform each caller that it is the policy of the DHS OIG to carefully review each complaint or allegation received by the DHS OIG Hotline. Callers should be aware that the DHS OIG does not investigate, or inquire into each complaint received, but will often forward such information for action by the appropriate DHS management official, internal affairs office, or Office of Professional Responsibility within DHS.

**DHS employees, family members of DHS employees, and DHS contract personnel are automatically entitled to confidentiality in their complaints.** Any other complainant who specifically requests confidentiality is also entitled to it.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality gives consent to forward it, the DHS OIG will forward the matter to the appropriate DHS office or official for the action deemed necessary by that office or official.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality does not give consent to forward it, the DHS OIG will administratively close the matter.

The DHS OIG will not forward complaints from persons who are automatically entitled or who request confidentiality without the expressed consent of the complainant, unless the complaint involves a specific danger to health or safety, or is a national security issue.

The Call Center Operator has described the above policy to the caller and certifies that:

☐ The Complainant **Consented** to the disclosure of their identity and complaint information outside the DHS OIG.

Operator Initials: \_\_\_\_\_ CC \_\_\_\_\_

☐ The Complainant **Did Not Consent** to the disclosure of their identity and complaint information outside the DHS OIG.

Operator Initials: \_\_\_\_\_

### Law Enforcement Sensitive

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

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**From:** DHSOIGHOTLINE  
**Sent:** Friday, January 27, 2012 10:20 AM  
**To:** JOINT INTAKE  
**Cc:** CRCL Compliance  
**Subject:** (b)(7)(E)

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.



(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, August 25, 2011 8:08 PM  
**To:** JOINT INTAKE  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** FW: SIR Regarding SAC/LA SRT Canine Shooting on 08242011  
**Importance:** High  
**Attachments:** SIR re 082411 K9 Shooting Submitted.doc  
To Whom It May Concern:

I was unable to upload the SIR below in case attachments for the following case numbers:

(b)(7)(E)

Please upload at your convenience.

Thank you.

(b)(6),(b)(7)(C)

Senior Special Agent

ICE-Office of Professional Responsibility

SAC/Los Angeles 287(g) Inspections Unit

Office: (562)98

(b)(6),(b)(7)(C)

BlackBerry: (56

Fax: (562)980-3170

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, August 25, 2011 4:16 PM

(b)(6),(b)(7)(C)

**Subject:** SIR Regarding SAC/LA SRT Canine Shooting on 08242011  
**Importance:** High

8/25/2011

All,

For your reference, please view the attached copy of the SIR regarding the shooting of two canines by SAC/LA SRT during a search warrant operation on August 24, 2011.

<<SIR re 082411 K9 Shooting Submitted.doc>>

Respectfully,

(b)(6),(b)(7)(C)

*HSI Gang Investigations Group*

*San Bernardino, CA*

*Cell: (213) 43*

(b)(6),(b)(7)(C)

*Office: (909)*

8/25/2011

# ICE Significant Incident Report

THIS IS A DRAFT

|                                                 |                                                               |                                                                |
|-------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------|
| Incident Date: 8/24/2011                        | Incident Time: 1823                                           | Incident Location: 328 e. 80th Street, Los Angeles, California |
| ICE Component: Homeland Security Investigations | Division: Financial, Narcotics, & Special Operations Division | Area: Narcotics & Contraband Smuggling                         |
| Case Number: (b)(7)(E)                          | Office: LA - LOS ANGELES, CA - SAC                            | Lead Agency: 0 - State / Local Authority                       |
| SEN Incident Number: (b)(7)(E)                  | Initial/Follow-Up: Initial                                    | Event Status: Priority                                         |
| Related SEN Number:                             | Related Case Number: ----LX-                                  | SEACATS Number: N/A                                            |
| Intel Number:                                   | ENFORCE Number:                                               |                                                                |

| Employee                                                                                  | Operational                                    | Security                                                   | Other                                       |
|-------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Shots Fired At Employee                                          | <input type="checkbox"/> Air/Marine Incidents  | <input type="checkbox"/> National Security Interest        | <input type="checkbox"/> Escape             |
| <input checked="" type="checkbox"/> Shots Fired By Employee                               | <input type="checkbox"/> Controlled Delivery   | <input type="checkbox"/> Facility Disturbance              | <input type="checkbox"/> Suicide Attempt    |
| <input type="checkbox"/> Employee Assaulted                                               | <input type="checkbox"/> Significant Seizure   | <input type="checkbox"/> Terrorism Related                 | <input type="checkbox"/> Hunger Strike      |
| <input type="checkbox"/> Employee Death                                                   | <input type="checkbox"/> Significant Arrest    | <input type="checkbox"/> Foreign Military/Police Incursion | <input type="checkbox"/> Media Interest     |
| <input type="checkbox"/> Employee Injured                                                 | <input type="checkbox"/> Rescue                | <input type="checkbox"/> WMD/HAZMAT                        | <input type="checkbox"/> Alien Injury/Death |
| <input type="checkbox"/> Employee Arrested                                                | <input type="checkbox"/> Weapon Violations     | <input type="checkbox"/> Demonstrations                    | <input type="checkbox"/> Vehicle Incidents  |
| <input checked="" type="checkbox"/> Firearms Discharge to Include Unintentional Discharge | <input type="checkbox"/> Other Agency Interest | <input type="checkbox"/> JTTF                              | <input checked="" type="checkbox"/> Other   |
| <input type="checkbox"/> Use of Baton or other Impact Weapon                              |                                                | <input type="checkbox"/> Bomb Threat                       | <input type="checkbox"/> Predator           |
| <input type="checkbox"/> Use of OC Spray or other Chemical Agents                         |                                                | <input type="checkbox"/> DHS SAR                           |                                             |
| <input type="checkbox"/> Other Use of Force                                               |                                                |                                                            |                                             |
| <input type="checkbox"/> Loss or Theft of Firearm or Body Armor                           |                                                |                                                            |                                             |

|                                 |                             |                              |                            |
|---------------------------------|-----------------------------|------------------------------|----------------------------|
| Principal Subject: Person       | Last Name: (b)(6),(b)(7)(C) | First Name: (b)(6),(b)(7)(C) | Alien ID: (b)(6),(b)(7)(C) |
| Date of Birth: (b)(6),(b)(7)(C) | Country of Birth: Mexico    | Citizenship: Mexico          |                            |

## Narrative

Report Title: SAC/LA SRT Canine Shooting

SAC/LA SRT Mission # 11-021

On August 24, 2011, the Office of the Special Agent in Charge, Los Angeles (SAC/LA) Special Response Team (SAC/LA SRT) augmented by members of the Office of the Special Agent in Charge, San Diego (SAC/SD) Special Response Team



(SAC/SD SRT) assisted the Office of the Assistant Special Agent in Charge, Los Angeles International Airport (ASAC/LAX) Group 3 (b)(7)(E) the Los Angeles District Attorney's Office and the Los Angeles Police Department (LAPD) with the execution of a California state issued narcotics search warrant. The warrant was executed on a residence and rear structure located at (b)(6),(b)(7)(C) Los Angeles, California at 1821 hours.

During the execution of the warrant, SRT members encountered four canines (3 large pit-bulls and 1 medium sized mixed breed). Upon deployment of diversionary devices, one pit-bull and the medium canine cowered and fled. The remaining pit-bulls took aggressive action and charged SRT operators, who fearing for their safety and that of other SRT members discharged their primary weapons resulting in the death of both canines. Both shootings occurred in different areas of the premises and were within forty-five seconds of each other, approximately at 1823 hours.

The first incident occurred as SRT members attempted to exit the rear door of the rear structure of the premises to clear a small patio area. SAC/SD SRT member Special Agent (SA) (b)(6),(b)(7)(C) opened a security door of the rear exit and was immediately charged by a pit-bull. With no method of safe evasion and fearing for his safety, SA (b)(6),(b)(7)(C) discharged his service issue M-4 rifle (serial number (b)(7)(E) with three rounds in quick succession. SA (b)(6),(b)(7)(C) was followed by SAC/SD SRT member (b)(6),(b)(7)(C) and SAC/LA SRT member (b)(6),(b)(7)(C) both feared for their safety and that of SA (b)(6),(b)(7)(C) but were unable to safely discharge weapons without risking harm to others. SA (b)(6),(b)(7)(C) attempted to quickly close the inner door in case shooting did not stop the attack. SA (b)(6),(b)(7)(C) third discharge round passed through the hollow-core wood door and into the pit-bull. All three discharged rounds impacted the canine. No other damage was caused by the rounds, nor did any leave the premises of the search warrant.

The second incident occurred in a courtyard type area located between the front house and the rear structure. As SAC/LA SRT member (b)(6),(b)(7)(C) who was the acting Team Leader for the operation, was assessing personnel requirements in furtherance of securing the premises. As SA (b)(6),(b)(7)(C) was directing personnel he observed a pit-bull in front of him, appearing from an unknown direction, which immediately charged aggressively toward him. SA (b)(6),(b)(7)(C) discharged a three round burst from his service issued MP-5 rifle (serial number (b)(7)(E) at the canine. The impact of the rounds caused the animal to spin around facing away from SA (b)(6),(b)(7)(C). The pit-bull turned back and again charged in the direction of SA (b)(6),(b)(7)(C) who then discharged two more three round burst resulting in the immediate death of the canine. One of the discharged rounds ricocheted off of the concrete patio where the canine stood, impacting a clothes washing machine which was located a few feet behind the pit-bull. No other damage was caused by the rounds, nor did any leave the premises of the search warrant. This shooting was witnessed by SAC/SD SRT members (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) neither discharged their weapons due to not having a safe line of fire.

Once the location was secure and relevant information was collected, these two combined incidents were reported by GS (b)(6),(b)(7)(C) acting Tactical Supervisor to; Special Agent in Charge (b)(6),(b)(7)(C) HSI Los Angeles Office of Professional Responsibility (OPR) duty agent (b)(6),(b)(7)(C) who in turn reported to the Joint Intake Center and OPR San Diego, HSI headquarters Operations Manager (b)(6),(b)(7)(C) National Tactical Coordinator (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) National SRT Program Manager (b)(6),(b)(7)(C) LAPD Watch Commander (b)(6),(b)(7)(C) who logged the event and opted not to deploy LAPD resources and dispatched Animal Services.

No agents, officers or citizens were injured throughout the operation. GS (b)(6),(b)(7)(C) advised SA (b)(6),(b)(7)(C) and SA (b)(6),(b)(7)(C) of available counseling resources and administrative leave option. Both involved firearms and accompanying

magazines/ammunition were secured by GS (b)(6),(b)(7)(C) and turned over to Senior Firearms Instructor (b)(6),(b)(7)(C) for inspection.

Violations of California Health and Safety Code 11351.5 Possession of  
Law: Methamphetamine/Cocaine for Sale

Action Taken: See report narrative

Other Agencies Notified:

| Name | Agency | Phone | Date | Time |
|------|--------|-------|------|------|
| none |        |       |      |      |

Injuries: No Injuries (Names and Extent of N/A  
Fatalities: No Injury):  
Damage: Yes

Hospital  
Narrative: N/A

Hospital  
Address: N/A

Reported to ICE Operations Center via Phone: No

Public Affairs Notified: No - Without comments

Comments:

|                               |                                |                                     |
|-------------------------------|--------------------------------|-------------------------------------|
| Reported By: (b)(6),(b)(7)(C) | Phone: 909-38 (b)(6),(b)(7)(C) | Cell/Pager: 213-49 (b)(6),(b)(7)(C) |
| Supervisor: (b)(6),(b)(7)(C)  | Phone: 562-62 (b)(6),(b)(7)(C) | Cell/Pager: 562-25 (b)(6),(b)(7)(C) |



UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION & CUSTOMS ENFORCEMENT  
DETENTION AND REMOVAL OPERATIONS  
**CRIMINAL ALIEN PROGRAM**  
**FIELD OPERATIONS WORKSHEET**

Case Officer: (b)(6),(b)(7)(C)

**... FUGITIVE ...**

Name: (b)(6),(b)(7)(C) AKA: Country of Citizenship: MEXICO

File Number: (b)(6),(b)(7)(C)

Height:

Scars, Marks and/or Tattoos:

FBI Number: (b)(6),(b)(7)(C)

Social Security Number:

SID: (b)(6),(b)(7)(C)

Driver License Number:

Issuing State:

Vehicles:

Spouse:

**Immigration History**

DACS Updated: 7/13/11

EOIR Contacted: 7/13/11

06/CIS:

NCIC WP:

IJ DEC/DATE: 10/13/1998

VD Exp Date:

BIA Dec/Date:

VD Exp Date:

Other Litigation:

**Benefits Checks**

ABC

TPS

Family  
Unity

NACARA

Family  
Fairness

COT

☐

☐

☐

☐

☐

☐

**... CRIMINAL HISTORY ...**

1. RE-ENTRY DEPARTED 1/11/2001
2. Assault Conv 2009 Montgomery County
3. Brother has multiple arrest inc weapon charge
4. (b)(7)(E) 1997 Snuggle Firearm into Mexico (occurred by AUSA)
- 5.
- 6.

**.. PHOTO ..**

**.. LAST KNOWN ADDRESS ..**

Address: (b)(6),(b)(7)(C)

City: Frederick

State: MD

Telephone Number:



**.. SITUATION / MISSION / INVESTIGATIVE LEADS ..**

**.. EQUIPMENT / CLOTHING ..**

**WEAPON**

**VEST**

**HANDCUFFS**

**NON-LETHAL**

|       |                 |                       |                 |                      |
|-------|-----------------|-----------------------|-----------------|----------------------|
| Team: | Officer/Agency: | AFOD (b)(6),(b)(7)(C) | Officer/Agency: | IEA (b)(6),(b)(7)(C) |
|       | Officer/Agency: | 6000                  | Officer/Agency: | IEA                  |
|       | Officer/Agency: | IEA                   | Officer/Agency: | 2 FLSO Dep.          |
| Team: | Officer/Agency: |                       | Officer/Agency: |                      |
|       | Officer/Agency: |                       | Officer/Agency: |                      |
|       | Officer/Agency: |                       | Officer/Agency: |                      |

**.. COMMUNICATIONS ..**

|       |       |          |        |            |  |                  |  |
|-------|-------|----------|--------|------------|--|------------------|--|
| Type: | Radio | Channel: | ICETAC | Frequency: |  | Team/Individual: |  |
|-------|-------|----------|--------|------------|--|------------------|--|

**.. LAW ENFORCEMENT NOTIFICATION ..**

|         |                          |       |  |            |                         |
|---------|--------------------------|-------|--|------------|-------------------------|
| Agency: | Frederick city PD        | Name: |  | Telephone: | 301 69 (b)(6),(b)(7)(C) |
| Agency: | Frederick county sheriff | Name: |  | Telephone: | 301 69 (b)(6),(b)(7)(C) |
| Agency: |                          | Name: |  | Telephone: |                         |

**.. EMERGENCY MEDICAL SERVICES ..**

|           |                                 |            |                          |
|-----------|---------------------------------|------------|--------------------------|
| Name:     | Frederick memorial              | Telephone: | 240 566 (b)(6),(b)(7)(C) |
| Location: | 400 W. 7th St Frederick MD      |            |                          |
| Name:     | Frederick Fire                  | Telephone: | 9-1-1                    |
| Location: | 5525 New Design Rd Frederick MD |            |                          |

|                          |                  |                                          |  |
|--------------------------|------------------|------------------------------------------|--|
| Date of Operation:       | 9/28/11          | Justification for After Hours Operation: |  |
| Supervisory Concurrence: | (b)(6),(b)(7)(C) | Assistant District Director Approval:    |  |

|                |                     |                      |
|----------------|---------------------|----------------------|
| <b>RESULTS</b> | Location of Arrest: | Consent to Enter by: |
|----------------|---------------------|----------------------|

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)

**Sent:** Tuesday, September 27, 2011 2:12 PM

**To:** (b)(6),(b)(7)(C)

**Subject:** Callsigns

These are the call signs for everyone involved in the operation tomorrow.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) awaiting assignment

*Respectfully*

(b)(6),(b)(7)(C)

*Immigration Enforcement Agent  
Criminal Alien Program/Radio POC  
Baltimore Field Office*

*Desk: (410) 6 (b)(6),(b)(7)(C)*

*Cell: (443) 46 (b)(6),(b)(7)(C)*

9/27/2011

2014FOIA01578 006113

(b)(6),(b)(7)(C)



|                  |        |                |
|------------------|--------|----------------|
| File Number      | Title: | Control Office |
| (b)(6),(b)(7)(C) |        | BAI            |

JCAR

07/13/2011: Subject located after being referred by Maryland P&P, after being found Guilty of Assault 2 12/4/09. Subject had address listed at (b)(6),(b)(7)(C) Frederick Maryland. Subject appears to be living with a family member (b)(6),(b)(7)(C) who is the owner of the house per Maryland Property. The Subject is a Re-Entry, last removed on 01/11/01 at Houston, TX. Records show that the Subject and (b)(6),(b)(7)(C) have 2 civil suits together and it appears that their address have been the same. Checks of (b)(6),(b)(7)(C) show that he is a LPR, but is in US Marshal Custody after being arrested for Smuggling \$98,800.00 to Mexico. (b)(6),(b)(7)(C) also has a arrest for Carry Concealed Weapon.

07/14/2011: (b)(7)(E) conducted. House is in the back corner of a cul-de-sac. 4 cars parked in the Driveway. Lights came on around 0615 and some movement was seen at the front door. The Subject appeared to exit and leave for work at around 0630 in a truck with Plate (b)(6),(b)(7)(C) Subject may spotted Surv. Veh.

07/15/2011: Montgomery County Police contacted for a copy of 2009 arrest photo.

(b)(7)(E) 1997 - AT&T smuggle firearm south to Mex

~~4/25/11~~  
8/2/11 spoke w/ AUSA (b)(6),(b)(7)(C) about poss. criminal warrant, stated wanted phone logs/texts more info to support drug/gun chins.

(b)(7)(E)

9/15/11 - mail cover req. from US PG - inspectors sent approved Aug. 25)

9/27/11 - contact (b)(6),(b)(7)(C) for FIV asked to submit case summary

4/17/11 - Forwarded copies of ROCs & info on warrants in Colorado

9/19/11 - Declined by USAO

(b)(6),(b)(7)(C) Immigration Enforcement Agent

Date:  
07/15/2011

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)

Sent: Tuesday, September 06, 2011 2:44 PM

To: (b)(6),(b)(7)(C)

Subject: RE: Hello

The disposition in this case is unavailable because there is an open warrant for Failure to Appear.

Colorado State Courts — Data Access

Summary

(b)(6),(b)(7)(C)

Depty. (b)(6),(b)(7)(C)

NO extradition for 2 misdemeanors

9/6/2011

2014FOIA01578 006116

Colorado State Courts — Data Access

Go Back Film

People Of The State Of Colorado Vs. Gonzalez, Eusebio Leon - 2013M7271 - El Paso County

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)  
 Sent: Wednesday, August 31, 2011 5:19 AM  
 To: (b)(6),(b)(7)(C)  
 Cc:  
 Subject: RE: Hello

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) has an arrest on March 21, 2003 for pretty much the same charge (Arrest (b)(6),(b)(7) by Colorado Springs. Do you have anyway of getting that disposition? The arrest is on the print out, but does not have a (b)(7)(E) disposition. This offense is the first arrest after his deport.

Thank You

(b)(6),(b)(7)(C)

Immigration Enforcement Agent  
 Immigration and Customs Enforcement  
 Criminal Alien Program  
 Baltimore Field Office  
 Office-410-(b)(6),(b)(7)(C)  
 Cell-443-40  
 Fax-410-637-4012

9/6/2011

2014FOIA01578 006117



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**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, August 30, 2011 5:53 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:**  
**Subject:** RE: Hello

Sir,  
I wasn't sure that you still wanted them because all the cases out here seem to be the brother we have (Musio) using Enrique's name. I don't believe any of the cases listed out here are actually Enrique. I think they are all Musio. I have attached the DV - Assault case for you and will FEDEX the actual documents in the morning. Please let me know if you need anything else.

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Friday, August 26, 2011 12:51 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:**  
**Subject:** Hello

Hello  
Any luck getting the Conviction Docs?  
The AUSA will probably accept the case if we can produce them

Thank you

(b)(6),(b)(7)(C)

**SDDO**  
**Criminal Alien Program**  
**Baltimore Field Office**  
**(410) 63 (b)(6),(b)(7)(C) Office**  
**(410) 97 (b)(6),(b)(7)(C) BB**

9/6/2011

2014FOIA01578 006118

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**Important:****ONLINE REPORT**

Data is entered poorly, processed incorrectly and generally not free from defect. Any data supplied by this system must be independently verified.

This is **NOT** a CONSUMER REPORTING REPORT and does not constitute a "consumer report" under the Fair Credit Reporting Act ("FCRA"). This report may not be used to determine the eligibility for credit, insurance, employment or any other purpose regulated under the FCRA.

This system may be used only in accordance with your Subscriber Agreement, the Gramm-Leach-Bliley Act ("GLB"), the Driver's Privacy Protection Act ("DPPA") and all other applicable laws. User agrees to having knowledge of all applicable laws pertaining to the usage of data. User accepts all responsibility civilly and criminally for any use of this system.

Violations of these restrictions or misuse of this system will cause your access to be terminated and will cause an immediate investigation.

**Comprehensive Report****Comprehensive Report**

Date: 08/07/2011

Reference ID: NONE

**Report Legend**

- Confirmed Address
- Deceased Person

**Relatives**

- > - 1<sup>st</sup> Degree of Separation
- >> - 2<sup>nd</sup> Degree of Separation
- >>> - 3<sup>rd</sup> Degree of Separation

**Subject Information**

(Best Information for Subject)

Name: (b)(6),(b)(7)(C) (07/20/2010 to  
C91/ 5/2010)  
Date of Birth: Unknown

**Other Names Associated with Subject**  
None found

**Other DOBs Associated with Subject**  
None found

**Other Phones Associated with Subject:**  
None found

**Other Individuals Observed with shared SSN:** None

**Indicators**

Bankruptcies: No  
Liens: No  
Judgments: Yes  
Properties: No  
Corporate Affiliations: No  
Criminal/Traffic: No

**Email Addresses Associated with Subject**  
None Found

**Potential Subject Photos (None Found)****Comprehensive Report Summary**

Bankruptcies: None found  
Phones PLUS: None found  
Driver's License: None found  
Address(es) found: 1 found



Motor Vehicles Registered: **None found**  
Possible Criminal Records: **None found**

### Warrant History (None Found)

### Arrest History (None Found)

### Other Criminal History (None Found)

### Sex Offender Registrations (None Found)

### Possible Employers (None Found)

### Address Summary (1 Found)

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9505 (FREDERICK COUNTY) (b)(6),(b)(7)(C)

### Address Details (1 Found)

(b)(6),(b)(7)(C) FREDERICK MD 21703-9505 (FREDERICK COUNTY) (b)(6),(b)(7)(C)

[ Back to Summary ]

Subdivision Name (b)(6),(b)(7)(C)

Owner:

(b)(6),(b)(7)(C) [ View Person Record ]

Purchase Date: 09/25/2006

Purchase Price: \$260,000

Assessed Value: \$196,000

Living Square Feet: 1,720

Land Square Feet: 1,600

### Cities History (1 Found)

FREDERICK, MD (FREDERICK COUNTY) (b)(6),(b)(7)(C)

### Counties History (1 Found)

FREDERICK, MD (b)(6),(b)(7)(C)

### Driver's License Information (None Found)

**Professional Affiliations (None Found)****Professional Licenses (None Found)****Bankruptcy History (None Found)****Liens (None Found)****Judgments (1 Found)****ENRIQUE L GORROSTIETA** [View Person Record]

Address: (b)(6),(b)(7)(C) FREDERICK, MD 21703-2811 (Frederick COUNTY)

Filing County: FREDE

Filing Type: CIVIL NEW FILING

Plaintiff: (b)(6),(b)(7)(C)

Court Case Number: (b)(6),(b)(7)(C)

Total Judgment Amount: \$1,000

Court: MONTGOMERY DISTRICT COURT(MDMOND1)

Court Address: (b)(6),(b)(7)(C) ROCKVILLE, MD 20850 (Montgomery COUNTY)

Court Phone: (800) 944-1341

Filing Date: 07/06/2010

**Current Property Deeds (None Found)****Past Property Deeds (None Found)****Property Foreclosures (None Found)****Property Assessments (None Found)****Evictions (1 Found)**

Filing Date: 07/06/2010

Court: MONTGOMERY DISTRICT COURT (MDMOND1)

Court Address: (b)(6),(b)(7)(C) ROCKVILLE, MD 20850 (Montgomery COUNTY)

Court Phone: (800) 944-1341

Name: (b)(6),(b)(7)(C) [View Person Record]

Address: (b)(6),(b)(7)(C) FREDERICK, MD 21703 (FREDERICK COUNTY)  
Case Number: (b)(6),(b)(7)(C)  
Filing Type: Civil New Filing  
Filing State: MD  
Action Type: 17  
Department: CV  
Unlawful Detainer: N  
Liability Amount: \$1,000  
Plaintiff: (b)(6),(b)(7)(C)

**Current Vehicle Information (None Found)****Past Vehicle Information (None Found)****FL Accidents (None Found)****US Business Affiliations (None Found)****UCC Filings (None Found)****US Corporate Affiliations (None Found)****Aircraft Records (None Found)****Trademark Records (None Found)****Pilot Licenses (None Found)****Voter Registrations (None Found)****Hunting Permits (None Found)****Weapon Permits (None Found)**



**Possible Relatives - Summary (None Found)****Likely Associates - Summary (None Found)****Possible Associates - Summary (None Found)****Neighbors' Phones (10 Found)**

Neighbors' Phones for (b)(6),(b)(7)(C) FREDERICK, MD 21703-9506 (FREDERICK COUNTY) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9506 (FREDERICK COUNTY)

(301) 36 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 44

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9504 (FREDERICK COUNTY)

(301) 79 (b)(6),(b)(7)(C)

FLORINE COLEMAN [ View Person Record ] Age: 47

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9505 (FREDERICK COUNTY)

(301) 66 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9504 (FREDERICK COUNTY)

(301) 6 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 61

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9504 (FREDERICK COUNTY)

(301) 69 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 61 Died at: (65)

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9504 (FREDERICK COUNTY)

(301) 79 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 60

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9543 (FREDERICK COUNTY)

(301) 36 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 66

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9504 (FREDERICK COUNTY)

(301) 36 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 54

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9543 (FREDERICK COUNTY)

(301) 6 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 67

(b)(6),(b)(7)(C) FREDERICK, MD 21703-9505 (FREDERICK COUNTY)

(301) 2 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [ View Person Record ] Age: 35

## DISTRICT COURT OF MARYLAND

[Go Back](#)**Case Information**Court System: **DISTRICT COURT FOR MONTGOMERY COUNTY - CIVIL SYSTEM**Case Number: (b)(6),(b)(7)(C) Claim Type: **CONTRACT**District/Location Codes: **06 / 01** Filing Date: **07/06/2010** Case Status: **ACTIVE****Complaint, Judgment, and Related Persons Information***(Each Complaint, Hearing, Judgment is listed separately, along with each Related Person)***Complaint Information**

Complaint No: (b)(6),(b)(7)(C) Vs: (b)(6),(b)(7)(C)

Type: **REGULAR CLAIM**Complaint Status: **ACTIVE**Status Date: **07/26/2010** Filing Date: **07/06/2010** Amount: **\$1000** Last Activity Date: **08/31/2010****Related Person Information**

Name: (b)(6),(b)(7)(C)

Connection to  
Complaint: **ATTORNEY FOR PLAINTIFF**

Address: (b)(6),(b)(7)(C)

City: **GAITHERSBURG** State: **MD** Zip Code: **20877**If Person is Attorney: Attorney Code: **005856** Attorney's Firm:

Name: (b)(6),(b)(7)(C)

Connection to  
Complaint: **DEFENDANT**

Address: (b)(6),(b)(7)(C)

City: **FREDERICK** State: **MD** Zip Code: **21703**

Name: (b)(6),(b)(7)(C)

Connection to  
Complaint: **PLAINTIFF**Address: **LAW OFFICES OF** (b)(6),(b)(7)(C)

Address: (b)(6),(b)(7)(C)

City: **GAITHERSBURG** State: **MD** Zip Code: **20877****Case History Information***(Each Event listed for the case is listed below in chronological order)*Type: **INITIAL CASE FILING** Complaint No.:Date: **07/06/2010** Comment: **INITIAL CASE FILING**Type: **TRIAL** Complaint No.:Date: **07/26/2010** Comment: **TRIAL SET FOR: 10072010;TIME: 0800A;LOC:01;ROOM:203**Type: **NOTICE SENT** Complaint No.: **001**Date: **07/26/2010** Comment: **NOTICE OF INITIAL TRIAL (ATP)-D1**

Type: **SERVICE** Complaint No.: **001**

Date: **08/12/2010** Comment: **REGL;07062010;DEF;NF-SERVICE RETURNED NO FORWARDIN**

Type: **NOTICE SENT** Complaint No.: **001**

Date: **08/31/2010** Comment: **NOTICE OF OUTCOME OF ORIGINAL SERVICE (ATP)-A1**

Type: **TRIAL DELETE** Complaint No.:

Date: **12/16/2010** Comment: **TRIL;10072010;0800A;01;BY SYS;45 DAYS PAST TRIAL DATE**

*This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records under Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record to a paper format.*



Circuit Court of Maryland

[Go Back](#)**Case Information**Court System: **Circuit Court for Montgomery County - Civil System**Case Number: (b)(6),(b)(7)(C) Sub Type: **FORECLOSURE**Date Filed: **01/08/2009**Case Status: **CLOSED****Plaintiff Information***(Each Alias, Address, and Attorney for the Plaintiff is displayed)*

Name: (b)(6),(b)(7)(C)

Address:

**LEESBURG VA 20175****Attorney(s) for the Plaintiff**

Name: (b)(6),(b)(7)(C)

Address:

**LEESBURG VA 20177**Phone: **703-777-**

(b)(6),(b)(7)(C)

Name: (b)(6),(b)(7)(C)

Address:

**LEESBURG VA 20175****Attorney(s) for the Plaintiff**

Name: (b)(6),(b)(7)(C)

Address:

**LEESBURG VA 20177**Phone: **703-777-**

(b)(6),(b)(7)(C)

Name: (b)(6),(b)(7)(C)

Address:

**LEESBURG VA 20175****Attorney(s) for the Plaintiff**

Name: (b)(6),(b)(7)(C)

Address: (b)(6),(b)(7)(C)  
LEESBURG VA 20177

Phone: 703-777-(b)(6),(b)(7)(C)

**Defendant Information**

(Each Alias, Address, and Attorney for the Defendant is displayed)

Name: (b)(6),(b)(7)(C)  
Address: (b)(6),(b)(7)(C)  
GAITHERSBURG MD 20882

Name: (b)(6),(b)(7)(C)  
Address: (b)(6),(b)(7)(C)  
GAITHERSBURG MD 20882

**Issues Information**

Issue: FORECLOSE DEED OF TRUST

**Document Tracking**

Docket Date: 01/08/2009 Docket Number: 1

Docket Description: ORDER, DOCKET SUIT

Docket Type: Docket Filed By: Plaintiff

Docket Text: ORDER TO DOCKET FORECLOSURE, ATTORNEY CERTIFICATION, NOTICE OF INTENT TO FORECLOSE, CERTIFIED TRUE COPY OF ADJUSTABLE RATE NOTE, CERTIFIED COPY OF DEED OF TRUST (b)(6),(b)(7)(C) AND DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES, FILED.

Docket Date: 01/08/2009 Docket Number: 2

Docket Description: STATEMENT OF INDEBTEDNESS

Docket Type: Docket Filed By: Other

Docket Text: AFFIDAVIT OF DEBT, FILED.

Docket Date: 01/08/2009 Docket Number: 3

Docket Description: MILITARY AFFIDAVIT

Docket Type: Docket Filed By: Plaintiff

Docket Text: AFFIDAVIT OF NON-MILITARY STATUS OF MORTGAGOR (S) AND AUTHORIZATION TO PROCEED UNDER MARYLAND REAL PROPERTY CODE (b)(6),(b)(7)(C) FILED.

Docket Date: 01/08/2009 Docket Number: 4

Docket Description: AFFIDAVIT OF DEFAULT NOTICE

Docket Type: Docket Filed By: Other

Docket Text: **AFFIDAVIT OF DEFAULT NOTICE, FILED.**

Docket Date: **01/08/2009** Docket Number: **5**

Docket Description: **NOTICE, NEW CASE NUMBER**

Docket Type: **Docket** Filed By: **Court**

Docket Text: **NOTICE SENT GIVING NEW CASE NUMBER TO ALL PARTIES.**

Docket Date: **01/28/2009** Docket Number: **6**

Docket Description: **UNDELIVERABLE MAIL RETURNED**

Docket Type: **Docket** Filed By: **Court**

Docket Text: **UNDELIVERABLE MAIL RETURNED AS TO (b)(6),(b)(7)(C) FILED.**

Docket Date: **02/02/2009** Docket Number: **7**

Docket Description: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET**

Docket Type: **Docket** Filed By: **Other**

Docket Text: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET AS TO (b)(6),(b)(7)(C) BY POSTING ON 01/19/09, FILED.**

Docket Date: **02/02/2009** Docket Number: **8**

Docket Description: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET**

Docket Type: **Docket** Filed By: **Other**

Docket Text: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET AS TO (b)(6),(b)(7)(C) BY MAILING CERTIFIED MAIL, RETURN RECEIPT AND FIRST CLASS MAIL ON 01/23/2009, FILED.**

Docket Date: **02/02/2009** Docket Number: **9**

Docket Description: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET**

Docket Type: **Docket** Filed By: **Other**

Docket Text: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET AS TO (b)(6),(b)(7)(C) BY POSTING ON 01/19/2009, FILED.**

Docket Date: **02/02/2009** Docket Number: **10**

Docket Description: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET**

Docket Type: **Docket** Filed By: **Other**

Docket Text: **AFFIDAVIT OF SERVICE ON ORDER TO DOCKET AS TO (b)(6),(b)(7)(C) BY MAILING CERTIFIED MAIL, RETURN RECEIPT AND FIRST CLASS MAIL ON 01/23/2009, FILED.**

Docket Date: **04/03/2009** Docket Number: **11**

Docket Description: **BOND & APPROVAL IN THE AMOUNT OF**

Docket Type: **Docket** Filed By: **Plaintiff**

Docket Text: **BOND (b)(6),(b)(7)(C) AND APPROVAL IN THE AMOUNT OF \$25,000.00, FILED.**

Docket Date: **07/23/2009** Docket Number: **12**



Docket Description: **AFFIDAVIT OF COMPLIANCE** (b)(6),(b)(7)(C)

Docket Type: **Docket** Filed By: **Plaintiff**

Docket Text: **AFFIDAVIT OF COMPLIANCE WITH REAL PROPERTY ARTICLE SECTION** (b)(6),(b)(7)(C)  
**FILED. (LP)**

Docket Date: **07/23/2009** Docket Number: **13**

Docket Description: **AFFIDAVIT OF COMPLIANCE** (b)(6),(b)(7)(C)

Docket Type: **Docket** Filed By: **Plaintiff**

Docket Text: **AFFIDAVIT OF COMPLIANCE WITH REAL PROPERTY ARTICLE SECTION** (b)(6),(b)(7)(C)  
**FILED. (LP)**

Docket Date: **07/29/2009** Docket Number: **14**

Docket Description: **LINE**

Docket Type: **Docket** Filed By: **Plaintiff**

Docket Text: **LINE WITHDRAWING THE APPEARANCE OF** (b)(6),(b)(7)(C) **AS CO-**  
**COUNSEL FOR THE PLAINTIFFS, FILED. (LP)**

Docket Date: **08/04/2009** Docket Number: **15**

Docket Description: **NOTICE, FORECLOSURE NON-COMPLIANCE**

Docket Type: **Docket** Filed By: **Court**

Docket Text: **NOTICE OF TIME, PLACE AND TERMS OF MORTGAGOR, ETC. ACCORDING TO RULE**  
**14-206 (B) (2) (A) , REPORT OF SALE, PROOF OF ADVERTISING, AFFIDAVIT O**  
**PURCHASER, PUBLICATION NOTICE (ORDER OF NISI) (COPIES MAILED)**  
**(FILED)**

Docket Date: **12/30/2009** Docket Number: **16**

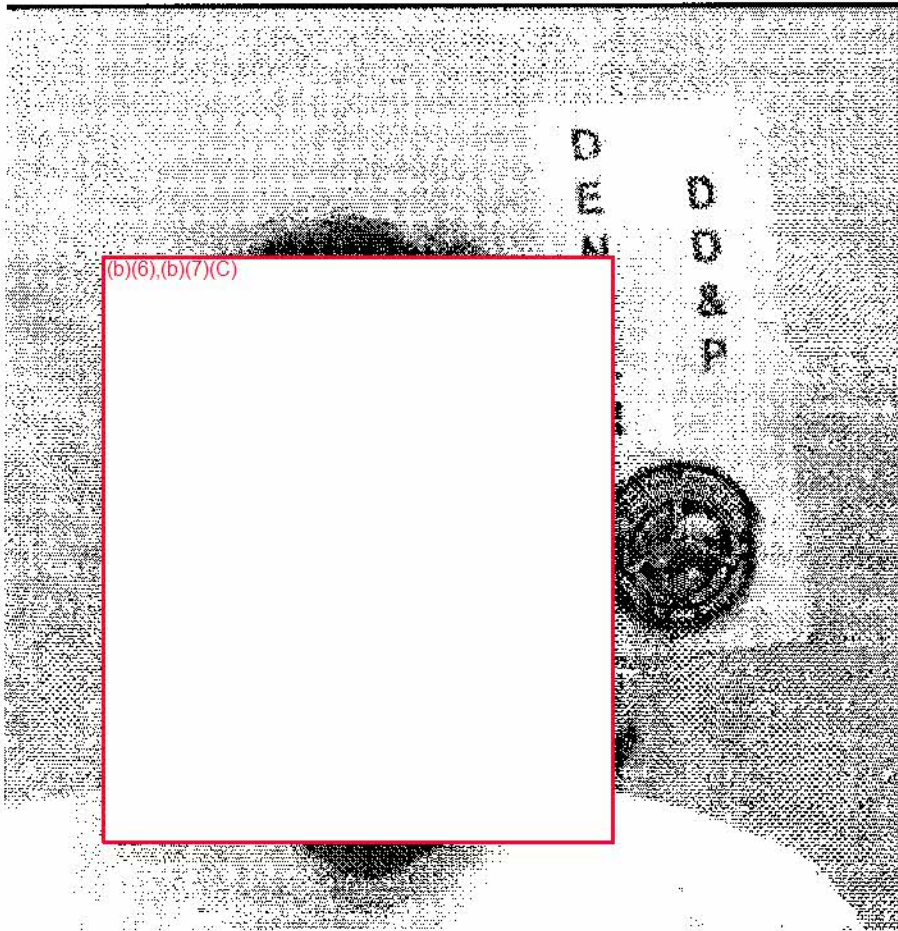
Docket Description: **LINE OF DISMISSAL WITHOUT PREJUDICE**

Docket Type: **Docket** Filed By: **Plaintiff**

Docket Text: **PLAINTIFF'S LINE TO DISMISS THE ABOVE CAPTIONED CASE WITHOUT**  
**PREJUDICE, FILED.**

*This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.*

[Go Back](#)



(b)(6),(b)(7)(C)

(b)(7)(E)

7/13/2011

2014FOIA01578 006131

**Warrant of Removal/Deportation**

File No. (b)(6),(b)(7)(C)

Date: 01/05/2001

**To any officer of the United States Immigration and Naturalization Service:**

(b)(6),(b)(7)(C)

(Full name of alien)

who entered the United States at or near Del Rio, Texas on or about March 1990  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a district director or a district director's designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 241(a)(1)(B) of the Immigration and Nationality Act

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to the law, at the expense of: salaries and expenses, U.S. Immigration and Naturalization Service, 2001, including the expenses of an attendant, if necessary.

(Signature of authorized INS official)

District Director

(Title of INS official)

01/05/2001 Denver, Colorado

(Date and office location)

Form I-205 (Rev. 4-1-97)N

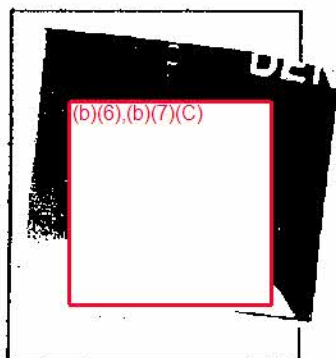


To be completed by Service officer executing the warrant:

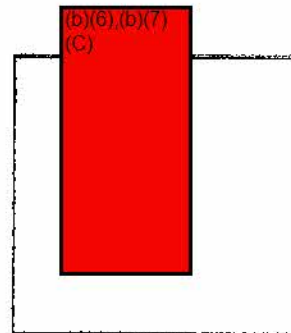
Name of alien being removed:

(b)(6),(b)(7)(C)

Port, date, and manner of removal: FDX/ ELP TX 01-11-01 ACOT



Photograph of alien removed



Right index fingerprint of alien removed

(b)(6),(b)(7)(C)

Departure witnessed by:

(b)(6),(b)(7)(C)

official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, Check here. ☐

Departure Verified by

(b)(6),(b)(7)(C)

Form I-205 (Rev. 4-1-97)N

## Warning to Alien Ordered Removed or Deported

File No: (b)(6),(b)(7)(C)

Date 01/05/2001

Alien's full name (b)(6),(b)(7)(C)

In accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act), you are prohibited from entering, attempting to enter, or being in the United States:

- ☐ For a period of 10 years from the date of your departure from the United States because you have been found inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
- ☒ For a period of 10 years from the date of your departure from the United States because you have been found:
- ☐ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  - ☒ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
  - ☐ deportable under section 237 of the Act and ordered removed from the United States in accordance with section 238 of the Act by an immigration officer, a judge of a United States district court, or a magistrate of a United States magistrate court.
- ☐ For a period of 20 years from the date of your departure from the United States because, after having been previously excluded, deported, or removed from the United States, you have been found:
- ☐ inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  - ☐ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  - ☐ deportable under section 237 of the Act and ordered removed from the United States in proceedings under section 238 of the Act.
  - ☐ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
- ☐ At any time because you have been found inadmissible or excludable under section 212 of the Act, or deportable under section 241 or 237 of the Act, and ordered deported or removed from the United States, and you have been convicted of a crime designated as an aggravated felony.

After your removal has been effected you must request and obtain permission from the Attorney General to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or office of the United States Immigration and Naturalization Service. Refer to the above file number when requesting forms or information.

**WARNING:** Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States during the period in which he or she is barred from so doing without the Attorney General's consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to \$250,000.



(Signature of Officer Serving Warning)

District Director

(Title of Officer)

Denver, CO

(Location of INS office)

Form I-294 (4-1-97)N



U.S. Department of Justice  
Immigration and Naturalization Service

Record of Deportable/Inadmissible Alien

|                                                                                                                                                                                                                                                                                |                          |                                                                                                                                                                                                           |                                |                                                                                                                                                              |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| CONTROL Name (Last, First, Middle)<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                         |                          |                                                                                                                                                                                                           |                                | Aliases<br>none                                                                                                                                              |                                 |
| Birthdate<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                  |                          | Age<br>30                                                                                                                                                                                                 | Marital Status<br>Married      |                                                                                                                                                              | File Number<br>(b)(6),(b)(7)(C) |
| Sex<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                        | Hair<br>(b)(6),(b)(7)(C) | Eyes<br>(b)(6),(b)(7)(C)                                                                                                                                                                                  | Complexion<br>(b)(6),(b)(7)(C) | Height<br>(b)(6),(b)(7)(C)                                                                                                                                   | Weight<br>(b)(6),(b)(7)(C)      |
| U.S. Address/Mail (Number) (Street) (City) (State) (Zip Code)<br>(b)(6),(b)(7)(C) Colorado Springs, Co 80916                                                                                                                                                                   |                          |                                                                                                                                                                                                           |                                | Type of Employment<br>LABORER                                                                                                                                |                                 |
| Alien's Telephone #<br>(719) 63 (b)(6),(b)(7)(C)                                                                                                                                                                                                                               |                          | Date of Action<br>8/20/2000                                                                                                                                                                               |                                | Location Code<br>DEN/PUE                                                                                                                                     |                                 |
| City, Province (State) and Country of Birth<br>Mexico DF MEXICO                                                                                                                                                                                                                |                          |                                                                                                                                                                                                           |                                | Citizenship<br>MEXICO                                                                                                                                        |                                 |
| Date, Place, Time, and Manner of Last Entry/Attempted Entry<br>8/21/2000, EGP, PWI, on foot                                                                                                                                                                                    |                          |                                                                                                                                                                                                           |                                | Status at Entry<br>Inadmissible                                                                                                                              |                                 |
| Number, Street, City, Province (State) and Country of Permanent Residence<br>Mexico DF, Mexico                                                                                                                                                                                 |                          |                                                                                                                                                                                                           |                                | Length of Time Illegally in U.S.<br>Over 1 year                                                                                                              |                                 |
| Method of Location/Apprehension<br>511.2.3                                                                                                                                                                                                                                     |                          |                                                                                                                                                                                                           |                                | Status When Found<br>Institution                                                                                                                             |                                 |
| Date Visa Iss./Loc.<br>8/20/2000                                                                                                                                                                                                                                               |                          |                                                                                                                                                                                                           |                                | Arrived From/Boarded At                                                                                                                                      |                                 |
| Visa #<br><input type="checkbox"/> NIV <input type="checkbox"/> IMM <input type="checkbox"/> None                                                                                                                                                                              |                          |                                                                                                                                                                                                           |                                | Apprehended By<br>(b)(6),(b)(7)(C)                                                                                                                           |                                 |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)<br>Elia, sas sas                                                                                                                                                                                        |                          |                                                                                                                                                                                                           |                                | Number and Nationality of Minor Children                                                                                                                     |                                 |
| Father's Name, Nationality, and Address, if Known<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                          |                          |                                                                                                                                                                                                           |                                | Mother's Present and Maiden Names, Nationality, and Address, if Known<br>(b)(6),(b)(7)(C)                                                                    |                                 |
| Monies Due/Property in US Not in Immediate Possession<br><input checked="" type="checkbox"/> None Claimed <input type="checkbox"/> See Form I-43                                                                                                                               |                          |                                                                                                                                                                                                           |                                | F.B.I. Number<br>(b)(7)(E)                                                                                                                                   |                                 |
| Deportation Charge(s)<br>I6A1                                                                                                                                                                                                                                                  |                          |                                                                                                                                                                                                           |                                | Exclusion Ground(s)<br>I6A1                                                                                                                                  |                                 |
| Place a check on the appropriate box(es) if any of the following actions were completed<br><input type="checkbox"/> Doc Lifted (No.) <input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Photographed <input type="checkbox"/> I-217 Execute |                          |                                                                                                                                                                                                           |                                | CACS Citations                                                                                                                                               |                                 |
| Special Programs<br><input type="checkbox"/> OCEDET <input type="checkbox"/> Grandfathered Alien                                                                                                                                                                               |                          | Fraudulent Documents<br><input type="checkbox"/> Sanctions <input type="checkbox"/> Other <input type="checkbox"/> CA <input type="checkbox"/> CC <input type="checkbox"/> SA <input type="checkbox"/> AF |                                | Criminal Record<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                       |                                 |
| Smuggled Alien<br><input type="checkbox"/> Land <input type="checkbox"/> Water <input type="checkbox"/> Aircraft                                                                                                                                                               |                          | Assistance in Apprehension<br><input type="checkbox"/> Sensors <input type="checkbox"/> Observation Aircraft                                                                                              |                                | Immigration Record<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                               |                                 |
| Contraband<br><input type="checkbox"/> Contraband <input type="checkbox"/> Currency <input type="checkbox"/> Weapons <input type="checkbox"/> Other                                                                                                                            |                          | Funds in Possession<br>Alien Initial _____ Date _____                                                                                                                                                     |                                | Prior Deport <input type="checkbox"/> Prior VR <input type="checkbox"/>                                                                                      |                                 |
| Alien has been advised of communication privileges pursuant to 8 CFR 242.21g                                                                                                                                                                                                   |                          |                                                                                                                                                                                                           |                                | A List of Free Legal Services Has Been Given<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (formal proceedings were not instituted) |                                 |

Narrative: Include details not shown above and whether or not eligible for special status programs (e.g. TPS, etc.)

Subject is a citizen and national of Mexico who entered the United States as stated above, in violation of section 1325. Subject encountered in the El Paso County Jail charged with DUI. Subject uses several dobs with years for a range. Subject claims VR's and no deports, A file requested. Processed as EWI until file arrives to show Deports.

*Subjects to lod in Corp. Co 1992, another subject is using his to under a RFE*

(b)(6),(b)(7)(C)

☐ Continued on Attached Continuation Sheet

DISTRIBUTION  
1 FILE  
1 Unit SSA

(b)(6),(b)(7)(C)  
Signature and Title  
Received: (Subject and Documents) (Report of Interview)  
Officer: (b)(6),(b)(7)(C)  
on:  
Disposition: NTAAWA  
Examining Officer: (b)(6),(b)(7)(C)



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
DENVER, CO

FILE: A70-505-453

IN THE MATTER OF:

(b)(6),(b)(7)(C)

RESPONDENT

IN DEPORTATION PROCEEDINGS

DECISION OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that he/she is deportable on the charge(s) in the Order to Show Cause.

Respondent has made no application for relief from deportation.

ORDER: It is ordered that the respondent be deported from the United States to MEXICO or on the charge(s) contained in the Order to Show Cause.

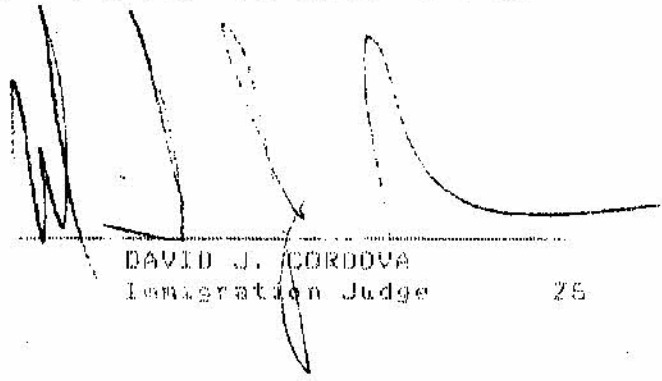
IT IS FURTHER ORDERED that if the aforementioned country advises the Attorney General that it is unwilling to accept the respondent into its territory or fails to advise the Attorney General within three months following original inquiry whether it will or will not accept respondent into its territory, respondent shall be deported to MEXICO.

Copy of this decision has been served upon the respondent and the Service.

APPEAL: waived -- reserved

Date: Oct 13, 1998

DENVER -- DENVER, COLORADO



DAVID J. CORDOVA  
Immigration Judge

25

(b)(6),(b)(7)(C)

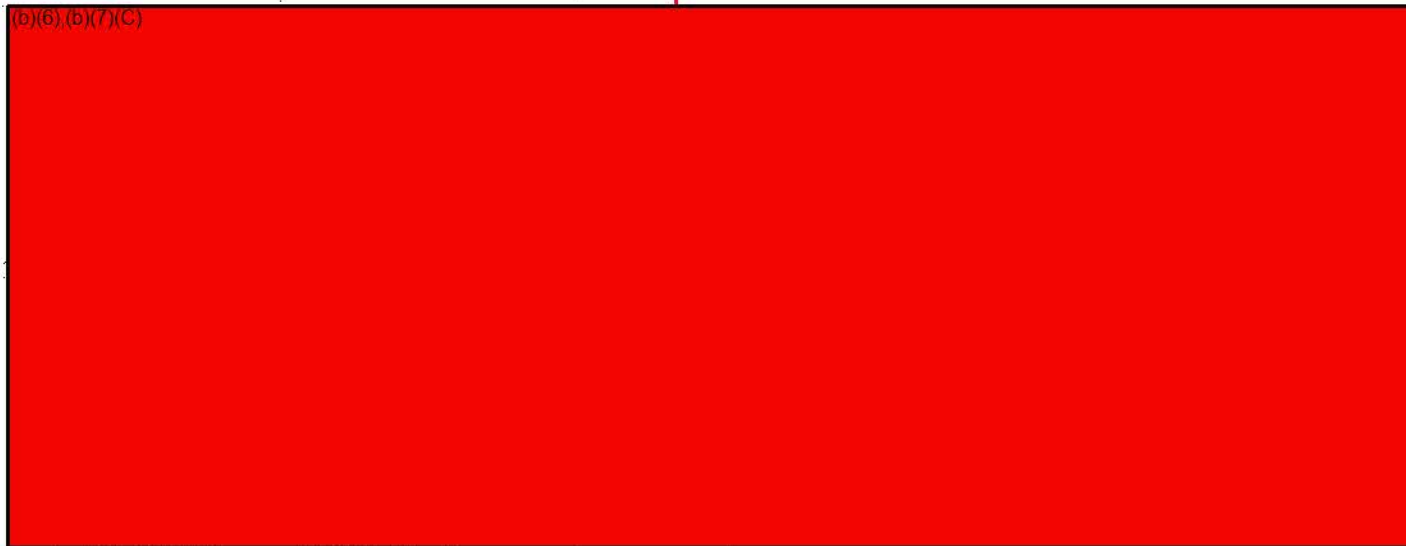
(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

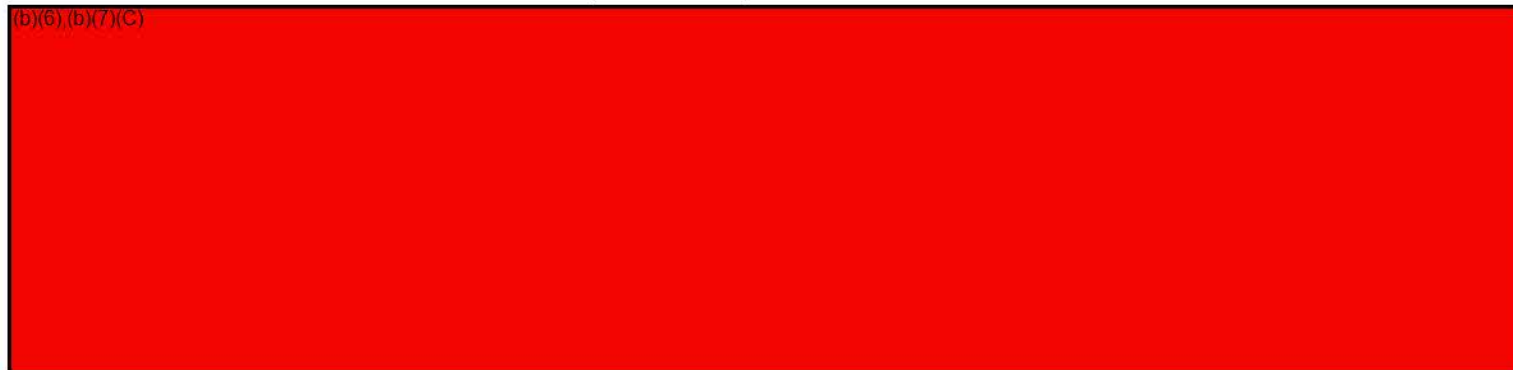
(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



ID 50X50G6 TP-600 3000444 14:15:56 [REDACTED] HPLJTV #USGB553915 20010105-14:20

(b)(6),(b)(7)(C)



|                                                                                      |                               |                   |
|--------------------------------------------------------------------------------------|-------------------------------|-------------------|
| Title SUBJECT: (b)(6),(b)(7)(C)                                                      | File Number: (b)(6),(b)(7)(C) | Date 09/28/2011   |
|                                                                                      | Case No: (b)(6),(b)(7)(C)     | Report Number:    |
| Special Agent: (Name)<br>(b)(6),(b)(7)(C)                                            | (b)(6),(b)(7)(C)              | Office<br>BAL/BAL |
| Approved by: (Name and Title)<br>(b)(6),(b)(7)(C)<br>Assistant Field Office Director |                               | Office<br>BAL/BAL |

Subject (b)(6),(b)(7)(C) was encountered by Immigration and Customs Enforcement (ICE) Criminal Alien Program (CAP) after being referred by Maryland Department of Parole and Probation on July 13, 2011. The Subject was referred due to his conviction of Assault 2nd (Domestic Violence) on December 4, 2009. The Subject appeared to be residing at 6922 Baron Court Frederick, Maryland. Immigration records identified the Subject with A# 070 505 453, which shows that the Subject had been deported from the United States on January 11, 2001 at El Paso, TX.

Immigration checks showed no evidence of the Subject applying for or being granted permission to re-enter the United States by the U.S. Attorney General or Secretary of Homeland Security. Records checks show that the residence the Subject resides at was owned by (b)(6),(b)(7)(C) which records show is the Subjects brother.

(b)(7)(E)

(b)(6),(b)(7)(C) During (b)(7)(E) the Subject was seen coming out of the residence at 0630 and getting in a truck (MD plate# (b)(6),(b)(7)(C)). The Subject was positively identified by pictures obtained from his 2009 arrest.

While checking into the Subject's criminal back ground it was found that the Subject had a prior encounter with U.S. Customs in 1997. The Subject appeared to have tried to smuggle a handgun into Mexico, but was declined for prosecution. Checks also revealed that the home owner was also in U.S. Marshals custody due to pleading guilty to Bulk Cash Smuggling (\$98,000.00 into Mexico). In his plea the brother admits to being a drug dealer, he also has pending charges from the ATF for firearms/ ammunition charges.

The Subject was presented to the U.S. Attorneys Office in Baltimore, MD on August 2, 2011. U.S. Attorneys Office wanted more info before making a decision on the case. The investigation yielded no evidence of any drug or firearms trafficking the U.S. Attorneys Office declined prosecution on September 19, 2011.

On September 28, 2011 Agents from the CAP Street arrest team and Frederick County (MD) Sheriffs Office Special Services Division planed to arrest the Subject. The Plan was to conduct a traffic stop on the Subject on his way to work. Deputys and Agents set up around the neighborhood to conduct the stop, and Agents parked with a view of the house to make sure it was the Subject in the vehicle.

At approximately 0620 two vehicles left the residents. One was a Dodge SUV, the other a small sedan. Due to the lack of lighting Agents could not make out who was in the vehicles. The Sheriffs made traffic stops on both vehicles to local traffic violations and Agents assisted and checked everyones records. 4 were ENI, 1 was a H2B overstay, none had criminal records and were released.

0650 Agents and Deputies conducted a knock and talk at (b)(6),(b)(7)(C) Frederick, MD. The front door was answered by (b)(6),(b)(7)(C) a USC, when asked who (b)(6),(b)(7)(C) was home with her she stated just her children. While Agents questioned her in the front of the house, Deputies and Agents in the rear found a male in the basement. They knock and talked with the male in the basement.

... (CONTINUED ON I-831)



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------|
| Alien's Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | File Number<br>(b)(6),(b)(7)(C)        | Date<br>09/28/2011 |
| <p>(b)(6),(b)(7)(C) stated they she was only home with her children and that her husband (b)(6),(b)(7)(C) was at work. We thought she was lying since (b)(6),(b)(7)(C) was in jail in Texas. When questioned about the male in the basement she denied him being there. At this point she asked to step out of the house and questioned about her lying.</p> <p>In the back Agents and Deputies were given consent to enter the basement after confirming the male paid rent to live in the basement. Further questioning revealed that the male had access to the kitchen upstairs. The male lead Agents upstairs to the kitchen to be questioned further. The male was a non criminal BWI as well.</p> <p>The female was at this point placed in cuffs by Deputies and was being detained since she had made multiple false statements to police. She was then let back in the house to be questioned further. Agents looking around found mail with (b)(6),(b)(7)(C) in plain view on tables and desk.</p> <p>The wife was allowed to call her husband and ask were he was. The wife made contact with the husband and he stated he was in WV. The husband claimed to be a USC and have a passport. The wife retrieved the US Passport (b)(6),(b)(7)(C) and it was called into LESC for verification. The Passport came back to (b)(6),(b)(7)(C). The husband was then questioned by Agents on the phone.</p> <p>(b)(6),(b)(7)(C) claimed that he had 4 brothers one of which was (b)(6),(b)(7)(C) who had lived with him in the past. (b)(6),(b)(7)(C) claimed that he also had a cousin with the same name and close DOBs. He claimed that the Cousin was in jail and had a lot of criminal problems. (b)(6),(b)(7)(C) went on to say he has been mistaken in the past for his cousin and was sent to secondary in ATL returning from Mexico. He stated he was questioned and released by the FBI.</p> <p>Checks showed the homeowner was (b)(6),(b)(7)(C) a Natz USC. The Cousin was (b)(6),(b)(7)(C) is the one in custody for Bulk Cash Smuggling. (b)(6),(b)(7)(C) went on to say that (b)(6),(b)(7)(C) had left the US after his last arrest in early 2010 upon advice from a lawyer. He stated he has minimal contact with (b)(6),(b)(7)(C).</p> <p>(b)(6),(b)(7)(C) gave Agents permission to search the house, which Agents did. No sign of anyone but the kids were found up stairs. Agents apologized for the in convince and left the residents. The homeowner said he understood, and that it was not a issue.</p> |                                        |                    |
| Signature<br>(b)(6),(b)(7)(C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Title<br>IMMIGRATION ENFORCEMENT AGENT |                    |

## **MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the Frederick County Sheriff's Office, pursuant to which ICE delegates nominated, trained, certified, and authorized Frederick County Sheriff's Office personnel to perform certain immigration enforcement functions as specified herein. It is the intent of the parties that these delegated authorities will enable the Frederick County Sheriff's Office to identify and process immigration violators and conduct criminal investigations under ICE supervision, as detailed herein, within the confines of the Frederick County Sheriff's Office's area of responsibility. The Frederick County Sheriff's Office and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

### **I. PURPOSE**

The purpose of this collaboration is to enhance the safety and security of communities by focusing resources on identifying and processing for removal criminal aliens who pose a threat to public safety or a danger to the community. This MOA sets forth the terms and conditions pursuant to which selected Frederick County Sheriff's Office personnel will be nominated, trained, and approved by ICE to perform certain functions of an immigration officer within the Frederick County Sheriff's Office's area of responsibility. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating Frederick County Sheriff's Office personnel as members of the Frederick County Sheriff's Office. However, the exercise of the immigration enforcement authority granted under this MOA to participating Frederick County Sheriff's Office personnel shall occur only as provided in this MOA.

### **II. AUTHORITY**

Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of DHS, acting through the Assistant Secretary of ICE, to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

### **III. POLICY**

This MOA sets forth the following: 1) the functions of an immigration officer that DHS is authorizing participating Frederick County Sheriff's Office personnel to perform; 2) the duration of the authority conveyed; 3) the supervisory requirements, including the requirement that participating Frederick County Sheriff's Office personnel are subject to ICE supervision while performing immigration-related duties pursuant to this MOA; and 4) program information or data that the Frederick County Sheriff's Office is required to collect as part of the operation of the program. For the purposes of this MOA, ICE officers will provide supervision for participating Frederick County Sheriff's Office personnel only as to immigration enforcement

and/or immigration investigative functions as authorized in this MOA. Frederick County Sheriff's Office retains supervision of all other aspects of the employment and performance of duties by participating Frederick County Sheriff's Office personnel.

The Frederick County Sheriff's Office is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which the Frederick County Sheriff's Office has jurisdiction.

ICE will assume custody of an alien 1) who has been convicted of a State, local or Federal offense only after being informed by the alien's custodian that such alien has concluded service of any sentence of incarceration; 2) who has prior criminal convictions and when immigration detention is required by statute; and 3) when the ICE Office of Detention and Removal Operations Field Office Director or his designee decides on a case-by-case basis to assume custody of an alien who does not meet the above criteria.

#### IV. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating Frederick County Sheriff's Office personnel will be authorized to perform immigration officer functions outlined in 287(g)(1) of the INA regarding the investigation, apprehension, or detention of aliens in the United States, subject to the limitations contained in the Standard Operating Procedures (SOP) in Appendix D to this MOA.

#### V. DETENTION AND TRANSPORTATION ISSUES

ICE retains sole discretion in determining how it will manage its limited detention resources and meet its mission requirements. ICE Field Office Directors (FODs) may, in appropriate cases, decline to detain aliens whose detention is not mandated by Federal statute. ICE and the Frederick County Sheriff's Office will prioritize the detention of aliens in conformity with ICE detention priorities. ICE reserves the right to detain aliens to the extent provided by law.

If ICE deems it necessary, the Frederick County Sheriff's Office will enter into an Inter-Governmental Service Agreement (IGSA) with ICE pursuant to which the Frederick County Sheriff's Office will provide, for a reimbursable fee, detention of incarcerated aliens in Frederick County Sheriff's Office facilities, upon the completion of their sentences. If ICE and the Frederick County Sheriff's Office enter into an IGSA, the Frederick County Sheriff's Office must meet the applicable ICE National Detention Standards.

In addition to detention services, if ICE deems it necessary, the IGSA may include a transportation component for the transportation of all incarcerated aliens for a reimbursable fee. Under a transportation IGSA, the Frederick County Sheriff's Office will transport all incarcerated aliens in its facilities who are subject to removal, upon completion of their sentences, to a facility or location designated by ICE. Reimbursement to the Frederick County Sheriff's Office will occur only when the Frederick County Sheriff's Office obtained prior approval of ICE for the transportation. ICE will not reimburse if the Frederick County Sheriff's Office did not obtain prior approval from ICE.



The parties understand that the Frederick County Sheriff's Office will not continue to detain an alien after that alien is eligible for release from the Frederick County Sheriff's Office's custody in accordance with applicable law and Frederick County Sheriff's Office policy, except for a period of up to 48-hours, excluding Saturdays, Sundays, and any Federal holiday, pursuant to an ICE detainer issued in accordance with 8 C.F.R. § 287.7, absent an IGSA in place as described above.

## VI. NOMINATION OF PERSONNEL

The Frederick County Sheriff's Office will nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens. The Frederick County Sheriff's Office is responsible for conducting a criminal background check within the last five years for all nominated candidates. Upon request, the Frederick County Sheriff's Office will provide all related information and materials it collected, referenced, or considered during the criminal background check for nominated candidates to ICE.

In addition to the Frederick County Sheriff's Office background check, ICE will conduct an independent background check for each candidate. This background check requires all candidates to complete a background questionnaire. The questionnaire requires, but is not limited to, the submission of fingerprints, a personal history questionnaire, and the candidate's disciplinary history (including allegations of excessive force or discriminatory action). ICE reserves the right to query any and every national and international law enforcement database to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. Upon request by ICE, the Frederick County Sheriff's Office will provide continuous access to disciplinary records of all candidates along with a written privacy waiver signed by the candidate allowing ICE to have continuous access to his or her disciplinary records.

The Frederick County Sheriff's Office agrees to use due diligence to screen individuals nominated for training and agrees that individuals who successfully complete the training under this MOA will perform immigration officer functions authorized under 287(g) of the INA for a minimum of two years. If Frederick County Sheriff's Office personnel under consideration are in a bargaining unit, that Frederick County Sheriff's Office must, prior to the execution of the MOA, have an agreement with the exclusive representative that allows the designated officers to remain in their position for a minimum of two years. This requirement may be lifted solely at the discretion of ICE for good cause in situations that involve, among other things, imminent promotion, officer career development, and disciplinary actions. Failure by the Frederick County Sheriff's Office to fulfill this commitment could jeopardize the terms of this MOA, and ICE reserves the right, under these circumstances, to take appropriate action as necessary, including terminating this MOA.

All Frederick County Sheriff's Office candidates shall have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions.

All Frederick County Sheriff's Office task force officer candidates must be sworn/certified officers, must possess arrest authority, must be authorized to carry firearms, and must be employed full-time by the Frederick County Sheriff's Office. Each Frederick County Sheriff's Office candidate must certify that he/she is not prohibited from carrying a firearm pursuant to State or Federal law, including, but not limited to, the Lautenberg Amendment (18 U.S.C. § 922(g)(8) or (9)).

All Frederick County Sheriff's Office candidates must be approved by ICE and must be able to qualify for access to appropriate DHS and ICE databases. Should a candidate not be approved, a qualified substitute candidate may be submitted. Such substitution must occur without delaying the start of training. Any future expansion in the number of participating Frederick County Sheriff's Office personnel or scheduling of additional training classes may be based on an oral agreement between the parties and is subject to all the requirements of this MOA and the accompanying SOP.

## VII. TRAINING OF PERSONNEL

ICE will provide participating Frederick County Sheriff's Office personnel with Immigration Authority Delegation Program (IADP) training consistent with the accompanying SOP.

## VIII. CERTIFICATION AND AUTHORIZATION

Before participating Frederick County Sheriff's Office personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete the IADP training, as described in the accompanying SOP. The IADP will be provided by ICE instructors who will train participating Frederick County Sheriff's Office personnel in the enforcement of Federal immigration laws and policies, the scope of the powers delegated pursuant to this MOA and civil rights and civil liberties practices. Participating Frederick County Sheriff's Office personnel must pass an ICE examination after instruction. Upon completion of training, those Frederick County Sheriff's Office personnel who pass the ICE examinations shall be deemed "certified" under this MOA.

ICE will certify in writing the names of those Frederick County Sheriff's Office personnel who successfully complete training and pass all required test(s). Upon receipt of the certification, the ICE Special Agent in Charge (SAC) and/or the ICE Field Office Director (FOD) in Baltimore, Maryland will provide the participating Frederick County Sheriff's Office personnel a signed authorization letter allowing the named Frederick County Sheriff's Office personnel to perform specified functions of an immigration officer for an initial period of one year from the date of the authorization. ICE will also provide a copy of the authorization letter to the Frederick County Sheriff's Office. Only those certified Frederick County Sheriff's Office personnel who receive authorization letters issued by ICE and whose immigration enforcement efforts are subject to a designated ICE supervisor may conduct immigration officer functions described in this MOA.

Along with the authorization letter, ICE will issue the certified Frederick County Sheriff's Office personnel official Delegation of Authority credentials. Upon receipt of the Delegation of Authority credentials, Frederick County Sheriff's Office personnel will provide ICE a signed

receipt of the credentials on the ICE Record of Receipt – Property Issued to Employee (Form G-570).

Authorization of participating Frederick County Sheriff's Office personnel to act pursuant to this MOA may be withdrawn at any time and for any reason by ICE or the Frederick County Sheriff's Office, and must be memorialized in a written notice of withdrawal identifying an effective date of withdrawal and the personnel to which the withdrawal pertains. Such withdrawal may be effectuated immediately upon notice to the other party. The Frederick County Sheriff's Office and the ICE SAC and/or the ICE FOD in Baltimore, Maryland will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA shall constitute immediate revocation of all immigration enforcement authorizations delegated hereunder.

The Frederick County Sheriff's Office will immediately notify ICE when any certified and/or authorized Frederick County Sheriff's Office personnel is no longer participating in the 287(g) program so that appropriate action can be taken, including termination of user account access to DHS and ICE systems.

#### IX. COSTS AND EXPENDITURES

Participating agencies are responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. The Frederick County Sheriff's Office is responsible for the salaries and benefits, including overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating Frederick County Sheriff's Office personnel while they are receiving training. Frederick County Sheriff's Office will cover the costs of all Frederick County Sheriff's Office personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines the training provides a direct service for the Government and it is in the best interest of the Government, the Government may issue travel orders to selected personnel and reimburse travel, housing, and per diem expenses only. The Frederick County Sheriff's Office remains responsible for paying salaries and benefits of the selected personnel.

ICE will provide instructors and training materials.



Subject to the availability of funds, ICE will be responsible for the purchase, installation, and maintenance of technology (computer/IAFIS/Photo and similar hardware/software) necessary to support the investigative functions of participating Frederick County Sheriff's Office personnel at each Frederick County Sheriff's Office facility with an active 287(g) program. Only participating Frederick County Sheriff's Office personnel certified by ICE may use this equipment. ICE will also provide the necessary technological support and software updates for use by participating Frederick County Sheriff's Office personnel to accomplish the delegated functions. Such hardware, software, and other technology purchased or provided by ICE shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, or when deemed necessary by the ICE Special Agent in Charge and/or the ICE Field Office Director in Baltimore, Maryland.

The Frederick County Sheriff's Office is responsible for covering all expenses at the Frederick County Sheriff's Office facility regarding cabling and power upgrades. If the connectivity solution for the Frederick County Sheriff's Office is determined to include use of the Frederick County Sheriff's Office's own communication lines - (phone, DSL, site owned T-1/T-3, etc), the Frederick County Sheriff's Office will be responsible for covering any installation and recurring costs associated with the Frederick County Sheriff's Office line.

The Frederick County Sheriff's Office is responsible for providing all administrative supplies, such as paper, toner, pens, pencils, or other similar items necessary for normal office operations. The Frederick County Sheriff's Office is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints and flexi cuffs, etc.

Also, if ICE deems it necessary, the Frederick County Sheriff's Office will provide ICE, at no cost, with an office within each participating Frederick County Sheriff's Office facility for ICE supervisory employees to work.

## **X. ICE SUPERVISION**

Immigration enforcement activities conducted by the participating Frederick County Sheriff's Office personnel will be supervised and directed by ICE supervisory officers or designated ICE team leaders. Participating Frederick County Sheriff's Office personnel are not authorized to perform immigration officer functions except when working under the supervision or guidance of ICE. To establish supervisory and other administrative responsibilities, the SAC/FOD will specify the supervisory and other administrative responsibilities in an accompanying agreed-upon SOP.

Participating Frederick County Sheriff's Office personnel shall give timely notice to the ICE supervisory officer within 24 hours of any detainer issued under the authorities set forth in this MOA. The actions of participating Frederick County Sheriff's Office personnel will be reviewed by ICE supervisory officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for individual training or guidance.

For purposes of this MOA, ICE officers will provide supervision of participating Frederick County Sheriff's Office personnel only as to immigration enforcement functions and for

investigations conducted in conjunction to this authority. The Frederick County Sheriff's Office retains supervision of all other aspects of the employment of and performance of duties by participating Frederick County Sheriff's Office personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating Frederick County Sheriff's Office personnel in exercising these authorities shall be DHS and ICE policies and procedures, including the ICE Use of Force Policy. However, when engaged in immigration enforcement activities, no participating Frederick County Sheriff's Office personnel will be expected or required to violate or otherwise fail to maintain the Frederick County Sheriff's Office's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE supervisory officer or a DHS or ICE policy and the Frederick County Sheriff's Office's rules, standards, or policies, the conflict shall be promptly reported to the SAC and/or the FOD in Baltimore, Maryland, or designees, and the Frederick County Sheriff's Office, or designee, when circumstances safely allow the concern to be raised. The SAC and/or the FOD in Baltimore, Maryland and the Frederick County Sheriff's Office shall attempt to resolve the conflict.

#### XI. REPORTING REQUIREMENTS

ICE does not require the Frederick County Sheriff's Office to provide statistical or arrest data above what is entered into ENFORCE; however, ICE reserves the right to request the Frederick County Sheriff's Office provide specific tracking data and/or any information, documents, or evidence related to the circumstances of a particular alien's arrest. ICE may use this data to compare and verify ICE's own data, and to fulfill ICE's statistical reporting requirements, or to assess the progress and success of the Frederick County Sheriff's Office's 287(g) program.

#### XII. LIABILITY AND RESPONSIBILITY

If any participating Frederick County Sheriff's Office personnel are the subject of a complaint of any sort that may result in that individual receiving employer discipline or becoming the subject of a criminal investigation or civil lawsuit, the Frederick County Sheriff's Office shall, to the extent allowed by State law, immediately notify the local point of contact for the ICE Office of Professional Responsibility (OPR) and the SAC/FOD of the existence and nature of the complaint. The resolution of the complaint shall also be promptly reported to ICE. Complaints regarding the exercise of immigration enforcement authority, as specified herein, by participating Frederick County Sheriff's Office personnel shall be handled as described below.

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the Frederick County Sheriff's Office will be responsible and bear the costs of participating Frederick County Sheriff's Office personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating Frederick County Sheriff's Office personnel will be treated as Federal employees only for purposes of the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. It is the understanding of the parties to this MOA that participating Frederick County Sheriff's Office personnel will enjoy the same defenses and immunities for their in-scope acts that are available to ICE officers from personal liability arising from tort lawsuits based on actions conducted in compliance with this MOA. 8 U.S.C. § 1357(g)(8).

Participating Frederick County Sheriff's Office personnel named as defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. Such requests must be made in writing directed to the Attorney General of the United States, and will be handled in coordination with the SAC and/or the FOD in Baltimore, Maryland. Requests should be in the form of a written memorandum prepared by the defendant addressing each and every allegation in the complaint, explaining as well as admitting or denying each allegation against the defendant. Requests for representation must be presented to the ICE Office of the Chief Counsel at 31 Hopkins Plaza, Suite 730, Baltimore, Maryland 21202. Any request for representation and related correspondence must be clearly marked "Subject to Attorney-Client Privilege." The Office of the Chief Counsel will forward the individual's request, together with a memorandum outlining the factual basis underlying the event(s) at issue in the lawsuit, to the ICE Headquarters Office of the Principal Legal Advisor, which will forward the request, the factual memorandum, and an advisory statement opining whether such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Torts Staff, Civil Division, Department of Justice. ICE will not be liable for defending or indemnifying acts of intentional misconduct on the part of participating Frederick County Sheriff's Office personnel.

The Frederick County Sheriff's Office agrees to cooperate with any Federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, and documents. Failure to do so may result in the termination of this MOA. Failure of an officer to cooperate in any Federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The Frederick County Sheriff's Office agrees to cooperate with Federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any Frederick County Sheriff's Office personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with Garrity v. New Jersey, 385 U.S. 493 (1967), and its progeny.

As the activities of participating Frederick County Sheriff's Office personnel under this MOA are undertaken under Federal authority, the participating Frederick County Sheriff's Office personnel will comply with Federal standards and guidelines relating to the Supreme Court's decision in Giglio v. United States, 405 U.S. 150 (1972), and its progeny, which relates to the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.



The Frederick County Sheriff's Office and ICE are each responsible for compliance with the Privacy Act of 1974, as applicable, and related system of records notices with regard to data collection and use of information under this MOA. The applicable Systems of Record Notice for privacy compliance is the ENFORCE Systems of Records Notice, 71 FR 13987, dated March 20, 2006.

### XIII. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating Frederick County Sheriff's Office personnel, with regard to activities undertaken under the authority of this MOA, is included in Appendix B.

### XIV. CIVIL RIGHTS STANDARDS

Participating Frederick County Sheriff's Office personnel are bound by all Federal civil rights laws, regulations, guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance Regarding The Use Of Race By Federal Law Enforcement Agencies" dated June 2003 and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq., which prohibits discrimination based upon race, color, or national origin (including limited English proficiency) in any program or activity receiving Federal financial assistance.

### XV. INTERPRETATION SERVICES

Participating Frederick County Sheriff's Office personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the Frederick County Sheriff's Office, as needed.

The Frederick County Sheriff's Office will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. Participating law enforcement personnel will be instructed on the proper administrative procedures to follow to obtain the services of an interpreter. A qualified interpreter means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records.

### XVI. COMMUNICATION

The ICE Special Agent in Charge and/or the ICE Field Office Director in Baltimore, Maryland, and the Frederick County Sheriff's Office shall meet at least annually, and as needed, to review and assess the immigration enforcement activities conducted by the participating Frederick County Sheriff's Office personnel, and to ensure compliance with the terms of this MOA. When necessary, ICE and the Frederick County Sheriff's Office may limit the participation of these meetings in regards to non-law enforcement personnel. The attendees will meet in Maryland at locations to be agreed upon by the parties, or via teleconference. The participants will be supplied with specific information on case reviews, individual participants' evaluations,

complaints filed, media coverage, and, to the extent practicable, statistical information on immigration enforcement activity in Frederick County Maryland. An initial review meeting will be held no later than nine months after certification of the initial class of participating Frederick County Sheriff's Office personnel under Section VIII, above.

#### XVII. COMMUNITY OUTREACH

The Frederick County Sheriff's Office may, at its discretion, engage in community outreach with individuals and organizations expressing an interest in this MOA. ICE may participate in such outreach upon the Frederick County Sheriff's Office's request. Nothing in this MOA shall limit ICE's own community outreach program.

#### XVIII. RELEASE OF INFORMATION TO THE MEDIA AND OTHER THIRD PARTIES

The Frederick County Sheriff's Office may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the Frederick County Sheriff's Office is authorized to do the same.

The Frederick County Sheriff's Office hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA, including any SOPs developed for the implementation of this MOA. Information obtained or developed as a result of this MOA is under the control of ICE and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations, and executive orders. Insofar as any documents created by the Frederick County Sheriff's Office contain information developed or obtained as a result of this MOA, such documents shall not be considered public records.

The release of statistical information regarding the 287(g) program must be coordinated with the ICE Office of Public Affairs. The Frederick County Sheriff's Office hereby agrees to coordinate with ICE regarding information to be released to the media regarding actions taken under this MOA. All contact with the media involving investigations conducted under this MOA by Task Force Officers (TFO) will be done pursuant to ICE policy. The points of contact for ICE and the Frederick County Sheriff's Office for this purpose are identified in Appendix C.

Appendix B to this MOA describes the complaint procedures available to members of the public regarding actions taken by participating Frederick County Sheriff's Office personnel pursuant to this agreement.

#### XIX. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by the signatories. Modification to Appendix D shall be done in accordance with the procedures outlined in the SOP.

#### XX. POINTS OF CONTACT

ICE and Frederick County Sheriff's Office points of contact for purposes of this MOA are identified in Appendix A. Points of contact (POC) can be updated at any time by providing a revised Appendix A to the other party to this MOA.

## XXI. DURATION AND TERMINATION OF THIS MOA

This MOA will remain in effect for three (3) years from the date of signing unless terminated earlier by either party. At the expiration of the three year effective period, ICE and the Frederick County Sheriff's Office shall review the MOA and modify, extend, or permit the MOA to lapse. During the MOA's effective period, either party, upon written notice to the other party, may terminate the MOA at any time. A termination notice shall be delivered personally or by certified or registered mail and termination shall take effect immediately upon receipt of such notice.

Either party, upon written or oral notice to the other party, may temporarily suspend activities under this MOA when resource constraints or competing priorities necessitate such suspension. Notice of termination or suspension by ICE shall be given to the Frederick County Sheriff's Office.

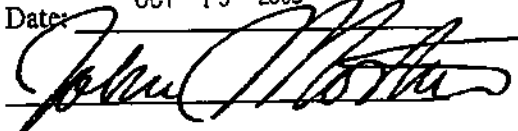
Notice of termination or suspension by the Frederick County Sheriff's Office shall be given to the SAC and/or the FOD in Baltimore, Maryland. Upon a good faith determination that the Frederick County Sheriff's Office is not fulfilling its duties; ICE shall notify the Frederick County Sheriff's Office, in writing, and inform the Frederick County Sheriff's Office that it has 90 days to demonstrate a continued need for 287(g) program services. If this continued need is not demonstrated by the Frederick County Sheriff's Office, the authorities and resources given to the Frederick County Sheriff's Office pursuant to this MOA will be terminated or suspended. Upon a subsequent demonstration of need, all costs to reinstate access to such authorities and/or program services will be incurred by the Frederick County Sheriff's Office.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.



By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

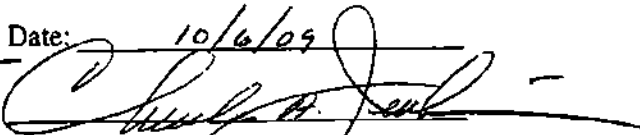
Date: OCT 15 2009



John T. Morton  
Assistant Secretary  
Immigration and Customs Enforcement  
Department of Homeland Security

Date:

10/6/09



Charles Jenkins, Sheriff  
Frederick County Sheriff's Office  
110 Airport Drive East  
Frederick, MD 21701

**APPENDIX A**  
**POINTS OF CONTACT**

The ICE and Frederick County Sheriff's Office points of contact for purposes of implementation of this MOA are:

For the Frederick County Sheriff's Office: Charles Jenkins  
Sheriff of Frederick County  
Frederick County Sheriff's Office  
Frederick County Law Enforcement Complex  
110 Airport Drive East  
Frederick, MD 21701  
(301) 600-1532

For ICE DRO: Calvin McCormick  
Field Office Director  
Office of Detention and Removal  
Fallon Federal Building  
31 Hopkins Plaza, (b)(6),(b)(7)(C)  
Baltimore, MD 21201  
(410) 63 (b)(6),(b)(7)(C)

For ICE OI: (b)(6),(b)(7)(C)  
Special Agent in Charge  
Office of Investigations  
40 S. Gay Street, (b)(6),(b)(7)(C)  
Baltimore, MD 21202  
(410) 90 (b)(6),(b)(7)(C)

## APPENDIX B

### COMPLAINT PROCEDURE

This Memorandum of Agreement (MOA) is between the US Department of Homeland Security's Immigration and Customs Enforcement (ICE) and the Frederick County Sheriff's Office, pursuant to which selected Frederick County Sheriff's Office personnel are authorized to perform immigration enforcement duties in specific situations under Federal authority. As such, the training, supervision, and performance of participating Frederick County Sheriff's Office personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through these complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

The MOA sets forth the process for designation, training, certification, and authorization of certain Frederick County Sheriff's Office personnel to perform certain immigration enforcement functions specified herein. Complaints filed against those personnel in the course of their non-immigration duties will remain the domain of the Frederick County Sheriff's Office and be handled in accordance with the Frederick County Sheriff's Office's Manual of Policy and Procedures, or equivalent rules, regulations, or procedures.

If any participating Frederick County Sheriff's Office personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving employer discipline or becoming the subject of a criminal investigation or civil lawsuit, the Frederick County Sheriff's Office shall, to the extent allowed by State law, immediately notify ICE of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be promptly reported to ICE. The ICE notifications should be made to the Special Agent in Charge (SAC) and/or the Field Office Director (FOD) in Baltimore, Maryland. Notification should also be made to either the DHS Office of the Inspector General (DHS OIG) or the ICE Office of Professional Responsibility (OPR) at the Joint Intake Center (JIC). Contact information for the DHS OIG and the ICE OPR JIC are listed below in Section I. Complaints regarding the exercise of immigration enforcement authority by participating Frederick County Sheriff's Office personnel shall be handled as described below.

The Frederick County Sheriff's Office will also handle complaints filed against Frederick County Sheriff's Office personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Further, any such complaints regarding non-designated Frederick County Sheriff's Office personnel shall be forwarded to the SAC or the FOD in Baltimore, Maryland.

In order to simplify the process for the public, complaints against participating Frederick County Sheriff's Office personnel relating to their immigration enforcement can be reported in the following manner "Complaint and Allegation Reporting Procedures."



## I. Complaint and Allegation Reporting Procedures

Complaint reporting procedures shall be disseminated by the Frederick County Sheriff's Office within facilities under its jurisdiction (in English and other languages as appropriate) in order to ensure that individuals are aware of the availability of such procedures. Such reporting procedures shall also be included within facility manuals for detainees who have been processed under the 287(g) program. Such material must include up-to-date contact information necessary to file the complaint.

Complaints will be accepted from any source (e.g., ICE, Frederick County Sheriff's Office, participating Frederick County Sheriff's Office personnel, inmates, and the public). ICE will immediately forward a copy of the complaint to the DHS Office for Civil Rights and Civil Liberties (CRCL) Review and Compliance.

Complaints can be reported to Federal authorities as follows:

- A. Telephonically to the DHS Office of the Inspector General (DHS OIG) at the toll free number 1-800-323-8603, or
- B. Telephonically to the ICE OPR at the Joint Intake Center (JIC) in Washington, D.C., at the toll-free number 1-877-246-8253, email [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov), or
- C. Via mail as follows:
  - Department of Homeland Security
  - Immigration and Customs Enforcement
  - Office of Professional Responsibility
  - P.O. Box 14475
  - Pennsylvania Avenue NW
  - Washington D.C. 20044

## 2. Review of Complaints

All complaints or allegations (written or oral) reported to the Frederick County Sheriff's Office directly that involve Frederick County Sheriff's Office personnel with ICE delegated authority will be reported to ICE OPR. ICE OPR will verify participating personnel status under the MOA with the assistance of the SAC and/or the FOD in Baltimore, Maryland. Complaints received by any ICE entity will be reported directly to ICE OPR as per existing ICE policies and procedures.

ICE OPR, as appropriate, will make an initial determination regarding ICE investigative jurisdiction and refer the complaint to the appropriate ICE office for action as soon as possible, given the nature of the complaint.

Complaints reported directly to ICE OPR will be shared with the Frederick County Sheriff's Office's Internal Investigations Unit when the complaint involves Frederick County Sheriff's Office personnel. Both offices will then coordinate appropriate investigative jurisdiction, which may include initiation of a joint investigation to resolve the issue(s).

### 3. Complaint and Allegations Resolution Procedures

Upon receipt of any complaint or allegation, ICE OPR will undertake a complete review of each complaint in accordance with existing ICE allegation criteria and reporting requirements. As stated above, the ICE OPR will adhere to the reporting requirements as stated above and as they relate to the DHS OIG and CRCL and/or the DOJ Civil Rights Division. Complaints will be resolved using the existing procedures, supplemented as follows:

#### A. Referral of Complaints or Allegations to the Frederick County Sheriff's Office's Internal Investigations Unit.

The ICE OPR will refer complaints, as appropriate, involving Frederick County Sheriff's Office personnel to the Frederick County Sheriff's Office's Internal Investigations Unit for resolution. The facility commander will inform ICE OPR of the disposition and resolution of any complaints or allegations against Frederick County Sheriff's Office's participating officers.

#### B. Interim Action Pending Complaint Resolution

When participating Frederick County Sheriff's Office personnel are under investigation for any reason that could lead to disciplinary action, demotion, or dismissal, or are alleged to have violated the terms of this MOA, ICE may revoke that individual's authority and have that individual removed from participation in the activities covered under the MOA.

#### C. Time Parameters for Resolution of Complaints or Allegations

It is expected that any complaint received will be resolved within 90 days of receipt. However, this will depend upon the nature and complexity of the substance of the complaint itself.

#### D. Notification of Resolution of a Complaint or Allegation

ICE OPR will coordinate with the Frederick County Sheriff's Office's Internal Investigations Unit to ensure notification as appropriate to the ICE SAC and/or the FOD in Baltimore, Maryland, the subject(s) of a complaint, and the person filing the complaint regarding the resolution of the complaint.

These Complaint Reporting and Allegation Procedures are ICE's internal policy and may be supplemented or modified by ICE unilaterally, ICE will provide Frederick County Sheriff's Office with written copies of any such supplements or modifications.

These Complaint Reporting and Allegation Procedures apply to ICE and do not restrict or apply to other investigative organizations within the federal government.



## APPENDIX C

### PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section XVIII of this MOA, the signatories agree to coordinate appropriate release of information to the media regarding actions taken under this MOA before any information is released. The points of contact for coordinating such activities are:

For the Frederick County Sheriff's Office:

Public Affairs Officer Corporal (b)(6),(b)(7)(C)  
Frederick County Sheriff's Office  
Frederick County Law Enforcement Complex  
110 Airport Drive East  
Frederick, MD 21701  
(301) 60 (b)(6),(b)(7)(C)

For ICE:

Public Affairs Officer (b)(6),(b)(7)(C)  
Office of Public Affairs and Internal Communication  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
Potomac Center North  
500 12<sup>th</sup> Street SW  
Washington, DC 20024  
(202) 73 (b)(6),(b)(7)(C)

## APPENDIX D

### STANDARD OPERATING PROCEDURE (SOP) TEMPLATE

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the 287(g) delegation of authority program within the Special Agent in Charge (SAC)/Field Office Director (FOD) area of responsibility. This appendix can be modified only in writing and by mutual acceptance of the SAC/FOD, the Sheriff of Frederick County, the ICE Office of State and Local Coordination (OSLC) and the ICE Office of Principle Legal Advisor.

There are two models for the 287(g) program, a Task Force Officer (TFO) model or a Detention model. Pursuant to this MOA, Frederick County Sheriff's Office has been delegated authorities under the TFO and Detention model as outlined below.

#### Prioritization:

ICE retains sole discretion in determining how it will manage its limited resources and meet its mission requirements. To ensure resources are managed effectively, ICE requires the Frederick County Sheriff's Office to also manage its resources dedicated to 287(g) authority under the MOA. To that end, the following list reflects the categories of aliens that are a priority for arrest and detention with the highest priority being Level 1 criminal aliens. Resources should be prioritized to the following levels:

- ☐ **Level 1** – Aliens who have been convicted of or arrested for major drug offenses and/or violent offenses such as murder, manslaughter, rape, robbery, and kidnapping;
- ☐ **Level 2** – Aliens who have been convicted of or arrested for minor drug offenses and/or mainly property offenses such as burglary, larceny, fraud, and money laundering; and
- ☐ **Level 3** – Aliens who have been convicted of or arrested for other offenses.

#### Training:

The 287(g) training program, the **Immigration Authority Delegation Program (IADP)** will be taught by ICE instructors and tailored to the immigration functions to be performed. ICE Office of Training and Development will proctor examinations during the IADP. The Frederick County Sheriff's Office nominee must pass each examination with a minimum score of 70 percent to receive certification. If the Frederick County Sheriff's Office nominee fails to attain a 70 percent rating on an examination, the Frederick County Sheriff's Office nominee will have one opportunity to remediate the testing material and re-take a similar examination. During the entire duration of the IADP, the Frederick County Sheriff's Office nominee will be offered a maximum of one remediation examination. Failure to achieve a 70 percent on any two examinations (inclusive of any remediation examination), will result in the disqualification of the Frederick County Sheriff's Office nominee and their discharge from the IADP.

Training will include, among other topics: (i) discussion of the terms and limitations of this MOA; (ii) the scope of immigration officer authority; (iii) relevant immigration law; (iv) the ICE Use of Force Policy; (v) civil rights laws; (vi) the U.S. Department of Justice "Guidance Regarding the Use Of Race By Federal Law Enforcement Agencies," dated June 2003; (vii) public outreach and complaint procedures; (viii) liability issues; (ix) cross-cultural issues; and (x) the obligation under Federal law and the Vienna Convention on Consular Relations to make proper notification upon the arrest or detention of a foreign national.

Approximately one year after the participating Frederick County Sheriff's Office personnel are trained and certified, ICE may provide additional updated training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions. Local training on relevant issues will be provided as needed by ICE supervisors or designated ICE team leaders. An OSLC designated official shall, in consultation with OTD and local ICE officials, review on an annual basis and, if needed, refresh training requirements.

Trained Frederick County Sheriff's Office personnel will receive, as needed, a DHS email account and access to the necessary DHS applications. The use of the information technology (IT) infrastructure and the DHS/ICE IT security policies are defined in the Interconnection Security Agreement (ISA). The ISA is the agreement between ICE Chief Information Security Officer (CISO) and Frederick County Sheriff's Office Designated Accreditation Authority (DAA). Frederick County Sheriff's Office agrees that each of its sites using ICE-provided network access or equipment will sign the ISA, which defines the IT policies and rules of behavior for each user granted access to the DHS network and applications. Failure to adhere to the terms of the ISA could result in the loss of all user privileges.

#### Data Collection:

ENFORCE is the primary processing system for alien removals and is the main resource for statistical information for the 287(g) program. All ENFORCE entries must be completed in accordance with established ICE policies and adhere to OSLC guidance.

ICE does not require the Frederick County Sheriff's Office to provide statistical or arrest data above what is entered into ENFORCE; however, ICE reserves the right to request specific tracking or arrest data be maintained and provided for comparison and verification with ICE's own data and statistical information. This data may also be used for ICE's statistical reporting requirements or to assess the progress and success of the Frederick County Sheriff's Office's 287(g) program.

The Frederick County Sheriff's Office and ICE are each responsible for compliance with the Privacy Act of 1974, as applicable, and related system of records notices with regard to data collection and use of information under this MOA. The applicable Systems of Record Notice for privacy compliance is the ENFORCE Systems of Records Notice, 71 FR 13987, dated March 20, 2006.



### **TASK FORCE OFFICER (TFO) MODEL:**

Participating Frederick County Sheriff's Office personnel performing immigration-related duties pursuant to this MOA will be Frederick County Sheriff's officers certified and authorized by ICE, and assigned to task force operations supported by ICE. Those participating Frederick County Sheriff's Office personnel will exercise their immigration-related authorities during the course of criminal investigations involving aliens encountered within the Frederick County Sheriff's Office jurisdiction or as directed by the SAC.

The mission of the TFO assignments are summarized as follows:

**Criminal Investigation Section:** Frederick County Sheriff's Office personnel assigned to the Criminal Investigation Section by statute are charged with the responsibility of identifying criminal enterprises and other forms of organized criminal activities.

**Anti-Gang Unit:** Frederick County Sheriff's Office personnel assigned to the anti-gang unit engage in law enforcement actions that are targeted against gang activity.

**Narcotics Unit:** Frederick County Sheriff's Office personnel assigned to various drug enforcement units are involved with illegal trafficking in narcotics investigations; these investigations can involve encounters with individuals who may be in the country illegally.

**Community Response Teams:** Frederick County Sheriff's Office personnel assigned to the Community Response Teams are officers who have been assigned to these special units and charged with the responsibility of assisting local authorities in urban areas who have requested assistance due to pervasive criminal activity occurring in hot spots within their communities.

**Law Enforcement Response Teams:** Frederick County Sheriff's Office personnel assigned to the Law Enforcement Response Teams are officers who have been assigned to the Patrol Division and charged with the responsibility of assisting the agency and surrounding local authority on gathering criminal intelligence and arresting and successfully prosecuting subjects involved in criminal activity throughout Frederick County.

The participating Frederick County Sheriff's Office personnel are authorized to perform the following functions in the investigation, detention, and removal of aliens in the United States as allowed for the TFO model (INA 287(g)), pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section:

- The power and authority to interview any person reasonably believed to be an alien about his right to be or remain in the United States and to take into custody for processing an alien solely based on an immigration violation (INA §§ 287(a)(1) and (2)) will be delegated only on a case-by-case basis. To exercise such authority, a TFO first must obtain approval from an ICE supervisor, who will approve the exercise only to further the priorities of removing serious criminals, gang members, smugglers, and traffickers and when reasonable suspicion exists to believe the alien is or was involved in criminal activity. When an alien is arrested for the violation of a criminal law, a TFO may process that alien for removal subject to ICE supervision as outlined in this agreement;
- The power and authority to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if there is reason to believe that the person so arrested has committed such felony and if there is likelihood of the person escaping before a warrant can be obtained (INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2)). Arrested individuals must be presented to a federal magistrate judge or other authorized official without unnecessary delay (INA § 287(a)(4); Fed. R. Crim. P. 5). Notification of such arrest must be made to ICE within twenty-four (24) hours;
- The power and authority to arrest for any criminal offense against the United States if the offense is committed in the officer's presence pursuant to INA § 287(a)(5)(A) and 8 C.F.R. § 287.5(c)(3);
- The power and authority to execute search warrants pursuant to INA § 287(a) and 8 C.F.R. § 287.5(e)(1);
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)), to complete required criminal alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;
- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of a Notice to Appear (NTA) application or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors;
- The power and authority to issue immigration detainers (INA § 236, INA § 287, and 8 C.F.R. § 287.7) and Form I-213, Record of Deportable/Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and
- The power and authority to detain and transport (INA § 287(g)(1) and 8 C.F.R. § 287.5(c)(6)) arrested aliens subject to removal to ICE-approved detention facilities.

As noted under Appendix D's "Prioritization" section, ICE requires the Frederick County Sheriff's Office to focus its use of the 287(g) program in accord with ICE's priorities.

### Supervision:

A 287(g) delegation of authority task force is designed to proactively respond to, identify, and remove criminal aliens that reside within the Frederick County Sheriff's Office's jurisdiction pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section. The following identifies each entity's roles and responsibilities. These roles and responsibilities include, but are not limited to:

If a Frederick County Sheriff's Officer conducts an interview and verifies identity, alienage, and deportability, they must contact ICE for arrest approval. No arrest for a violation of Title 8 is to be conducted by a Frederick County Sheriff's Office task force officer without prior approval from the ICE supervisor.

The Frederick County Sheriff's Office is responsible for ensuring proper record checks have been completed, obtaining the necessary court/conviction documents, and, upon arrest, ensuring that the alien is processed through ENFORCE/IDENT and served with the appropriate charging documents.

The Frederick County Sheriff's Office must first obtain approval from the SAC to issue a Notice to Appear (NTA) application or other charging document upon an alien with service in the United States Military. This includes service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, or National Guard, as well as service in the Philippine Scouts during World War II.

Prior to an Frederick County Sheriff's Office conducting any enforcement operation that will involve the use of its 287(g) delegation of authority, the Frederick County Sheriff's Office must provide the ICE supervisor with a copy of the operations plan, and the SAC/FOD must concur and approve with the plan prior to it being initiated.

The ICE supervisor is responsible for requesting alien files, reviewing alien files for completeness, approval of all arrests, and TECS checks and input. The SAC/FOD office is responsible for providing the Frederick County Sheriff's Office with current and updated DHS policies regarding the arrest and processing of illegal aliens.

On a regular basis, the ICE supervisor is responsible for conducting an audit of the IDENT/ENFORCE computer system entries and records made by Frederick County Sheriff's officers. Upon review and auditing of the IDENT/ENFORCE computer system entries and records, if errors are found, the ICE supervisor will communicate those errors in a timely manner to the responsible official for the Frederick County Sheriff's Office. The ICE supervisor will notify the Frederick County Sheriff's Office of any errors in the system and the Frederick County Sheriff's Office is responsible for submitting a plan to ensure that steps are taken to correct, modify, or prevent the recurrence of errors that are discovered.

ICE will provide the Frederick County Sheriff's Office with guidance for presenting any criminal prosecution cases that are referred for Federal prosecution.



Consistent with applicable standard operating procedures, the creation of an A-file cannot be completed until the A-file is signed by the appropriate ICE supervisor. A-files can be maintained at a Frederick County Sheriff's Office facility as long as there is an ICE representative assigned to that facility and that representative has a work area where documents can be adequately secured. Representatives from DHS must be permitted access to the facility where ICE records are maintained.

#### Nominated Personnel:

Frederick County Sheriff's Office candidates working with task force operations shall have knowledge of and enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions. The applicants should have a minimum of two years of law enforcement experience that includes experience in interviewing witnesses, interrogating subjects, providing constitutional rights warnings, obtaining statements, and executing search and seizure warrants. An emphasis should be placed on officers who have planned, organized, and conducted complex investigations relating to violations of criminal and civil law.

#### DETENTION MODEL:

Participating Frederick County Sheriff's Office personnel performing immigration-related duties pursuant to this MOA will be Frederick County Sheriff's Office officers assigned to detention operations supported by ICE. Those participating Frederick County Sheriff's Office personnel will exercise their immigration-related authorities only during the course of their normal duties while assigned to Frederick County Sheriff's Office jail/correctional facilities. Participating Frederick County Sheriff's Office personnel will identify and remove criminal aliens that reside within the Frederick County Sheriff's Office's jurisdiction pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section.

The participating Frederick County Sheriff's Office personnel are authorized to perform the following functions as allowed by 287(g) of the INA for the Detention Model:

- The power and authority to interrogate any person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations any removable alien or those aliens who have been arrested for violating a Federal, State, or local offense;
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)), to complete required criminal alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;

- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of a Notice to Appear (NTA) application or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors;
- The power and authority to issue immigration detainers (INA § 236, INA § 287, and 8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and
- The power and authority to detain and transport (INA § 287(g)(1) and 8 C.F.R. § 287.5(c)(6)) arrested aliens subject to removal to ICE-approved detention facilities.

As noted under Appendix D's "Prioritization" section, ICE requires the Frederick County Sheriff's Office to focus its use of the 287(g) program in accord with ICE's priorities.

#### Supervision:

A 287(g) delegation of authority detention model is designed to identify and remove aliens amenable to removal that are incarcerated within the Frederick County Sheriff's Office's detention facilities pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section. The following identifies each entity's roles and responsibilities. These roles and responsibilities include, but are not limited to:

The Frederick County Sheriff's Office shall provide notification to the ICE supervisor of any detainers placed under 287(g) authority within 24 hours.

The Frederick County Sheriff's Office shall coordinate transportation of detainees processed under 287(g) authority in a timely manner, in accordance with the MOA and/or IGSA.

The Frederick County Sheriff's Office is responsible for ensuring proper record checks have been completed, obtaining the necessary court/conviction documents, and, upon arrest, ensuring that the alien is processed through ENFORCE/IDENT and served with the appropriate charging documents.

The Frederick County Sheriff's Office must immediately report all encounters of an individual who claims U.S. citizenship to the FOD through their chain of command. The FOD shall make the appropriate notification to DRO headquarters.

The Frederick County Sheriff's Office must first obtain approval from the FOD office to issue a Notice to Appear (NTA) application or other charging document upon an alien with service in the United States Military. This includes service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, or National Guard, as well as service in the Philippine Scouts during World War II.

The ICE supervisor is responsible for requesting alien files, reviewing alien files for completeness, approval of all arrests, and TECS checks and input. The FOD office is responsible for providing the Frederick County Sheriff's Office with current and updated DHS policies regarding the arrest and processing of illegal aliens.

On a regular basis, the ICE supervisors are responsible for conducting an audit of the IDENT/ENFORCE computer system entries and records made by the Frederick County Sheriff's Office's officers. Upon review and auditing of the IDENT/ENFORCE computer system entries and records, if errors are found, the ICE supervisor will communicate those errors in a timely manner to the responsible official for Frederick County Sheriff's Office. The ICE supervisor will notify the Frederick County Sheriff's Office of any errors in the system and the Frederick County Sheriff's Office is responsible for submitting a plan to ensure that steps are taken to correct, modify, or prevent the recurrence of errors that are discovered.

Nominated Personnel:

All Frederick County Sheriff's Office jail enforcement officer candidates shall have specific experience that should consist of having supervised inmates. Candidates must show that they have been trained on and concerned with maintaining the security of the facility. Candidates must have enforced rules and regulations governing the facility on inmate accountability and conduct. Candidates must also show an ability to meet and deal with people of differing backgrounds and behavioral patterns.



The names and contact information of all ICE, FCSD, and FCPD agents involved in the interaction with (b)(6) in Frederick County, Maryland on September 28, 2011.

**ICE:**

AFOD (b)(6), (b)(7)(C) 410-63 (b)(6), (b)(7)(C)  
SDDO (b)(6), (b)(7)(C) 410-63 (b)(6), (b)(7)(C)  
DO (b)(6), (b)(7)(C) 410-63 (b)(6), (b)(7)(C)  
IEA 410-6  
IEA 781-35

**Frederick authorities:**

ICE was unable to obtain the names of the Frederick Officers.

The names and contact information of ICE agents responsible for ICE oversight in Frederick County, Maryland.

FOD Dorothy Herrera-Niles 410-63 (b)(6), (b)(7)(C)

DFOD position is vacant at this time.

AFOD (b)(6), (b)(7)(C) (Case Management) 410-63 (b)(6), (b)(7)(C)  
AFOD (Criminal Alien Program) 410-63 (b)(6), (b)(7)(C)  
AFOD (Fugitive Operation) 410-63 (b)(6), (b)(7)(C)

# **EXHIBIT 1**

# **EXHIBIT 2**



(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, June 26, 2012 10:41 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** FW: Need Info ASAP

I am pasting from the email below so you have the full names of the officers.

SDDC (b)(6),(b)(7)(C)  
DO (b)(6),(b)(7)(C)  
IEA  
IEA  
S/A

Let me know if you require any further information.

(b)(6),(b)(7)(C)

Assistant Field Office Director  
Dallas Field Office  
DHS/ICE/ERO

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 5:08 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:**  
**Subject:** Re: Need Info ASAP

Additionally, the officers who went to the secondary address on the FOW (Duncanville), were DO (b)(6),(b)(7)(C) and myself. Two Duncanville Police Officers also assisted as well.

(b)(6),(b)(7)(C) - SDDO  
Fugitive Operations  
Dallas Field Office  
(214) 41 (b)(6), desk  
(214) 41 (b)(7), cell  
(214) 424-8759 fax

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 05:37 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:**  
**Subject:** Re: Need Info ASAP

(b)(6),(b)(7)(C)

The following officers/agents were at the Salem Street, Irving, location:

SDDC (b)(6),(b)(7)(C)  
DO (b)(6),(b)(7)(C)

IEA (b)(6),(b)(7)(C)  
IEA  
S/A

I have spoken to each of them telephonically, and no one remembers searching a vehicle at that location. Furthermore, I did not search a vehicle at that location either.

(b)(6),(b)(7)(C) - SDDO  
Fugitive Operations  
Dallas Field Office  
(214) 42 (b)(6), desk  
(214) 43 (b)(7) cell  
(214) 424-8759 fax

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 02:09 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Re: Need Info ASAP

Thanks. I'll let you know.

(b)(6),(b)(7)(C)  
Assistant Field Office Director  
Dallas Field Office

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 02:06 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Re: Need Info ASAP

This was (b)(6),(b)(7)(C) target, and the folder is on your chair. The subject was not arrested. Both the primary and secondary addresses were checked. Consent to enter and search was obtained at both locations. We were told the the subject was in El Salvador.

(b)(6),(b)(7)(C) - SDDO  
Fugitive Operations  
Dallas Field Office  
(214) 42 (b)(6), desk  
(214) 43 (b)(7) cell  
(214) 424-8759 fax

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 01:31 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: Need Info ASAP

Not sure why he wants it.

(b)(6),(b)(7)(C)  
Assistant Field Office Director  
Dallas Field Office

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 12:30 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Re: Need Info ASAP

Dear god please don't let it be us.

(b)(6),(b)(7)(C) - SDDO  
Fugitive Operations  
Dallas Field Office  
(214) 42 (b)(6), desk  
(214) 43 (b)(7), cell  
(214) 424-8759 fax

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, April 30, 2012 01:27 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Need Info ASAP

I need to know if any of our teams went to (b)(6),(b)(7)(C) in Irving on March 26 during Cross Check. Please research your targets and let me know ASAP. (b)(6),(b)(7)(C) is awaiting a response.

(b)(6),(b)(7)(C)  
Assistant Field Office Director  
Dallas Field Office  
DHS/ICE/ERO



# **EXHIBIT 3**



IMMIGRATION AND CUSTOMS ENFORCEMENT  
DETENTION AND REMOVAL OPERATIONS  
FUGITIVE OPERATIONS



FUGITIVE OPERATIONS WORKSHEET

Case Officer: (b)(6),(b)(7)(C)

Operation Cross Check

NCIC LEVEL: 2

...REMOVABLE ALIEN...

|                                                                                                                                                     |                                          |                                     |              |        |     |     |                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------|--------------|--------|-----|-----|------------------------------------------------------------------------------------|
| Name: (b)(6),(b)(7)(C)                                                                                                                              | AKA:                                     | Country of Citizenship: El Salvador |              |        |     |     |                                                                                    |
| File Number: A# (b)(6),(b)(7)(C)                                                                                                                    | Sex: (b)(6),(b)(7)(C)                    | Date of Birth: (b)(6),(b)(7)(C)     |              |        |     |     |                                                                                    |
| Height: (b)(6),(b)(7)(C)                                                                                                                            | Complexion: (b)(6),(b)(7)(C)             | Age: 40                             |              |        |     |     |                                                                                    |
| Scars, Marks and / or Tattoos: UNK                                                                                                                  |                                          |                                     |              |        |     |     |                                                                                    |
| FBI Number: (b)(6),(b)(7)(C)                                                                                                                        | Social Security Number: (b)(6),(b)(7)(C) | SID: (b)(6),(b)(7)(C)               |              |        |     |     |                                                                                    |
| Driver License Number: N/A                                                                                                                          | Issuing State: N/A                       | Children: UNK                       |              |        |     |     |                                                                                    |
| IMMIGRATION HISTORY:                                                                                                                                | EARM Updated: N/A                        | CIS: (b)(7)(E)                      |              |        |     |     |                                                                                    |
| NCIC WP: 03/12/2012                                                                                                                                 | (b)(7)(E)                                | 03/12/2012                          |              |        |     |     |                                                                                    |
| ATSP: N/A                                                                                                                                           | (b)(7)(E)                                | 03/12/2012                          |              |        |     |     |                                                                                    |
| Other Litigation:                                                                                                                                   | Benefits Checks                          | EDIR CONTACTED:                     |              |        |     |     |                                                                                    |
| Subject is an Agg. Felon Re-Entry, Misdemeanor upon apprehension and present for prosecution for 8 USC 1326. Vehicles Registered to Family Members. | ABC                                      | TPS                                 | Family Unity | NACARA | DED | CAT | IJ DEC/DATE: 05/13/1997                                                            |
|                                                                                                                                                     | N/A                                      | N/A                                 | N/A          | N/A    | N/A | N/A | VO EXP. DATE: NA                                                                   |
|                                                                                                                                                     |                                          |                                     |              |        |     |     | BIA DEC/DATE: 06/09/1998                                                           |
|                                                                                                                                                     |                                          |                                     |              |        |     |     | MEDIA INTEREST YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

... CRIMINAL HISTORY ...

1. Convicted of two counts of Arson and sent. To 10 years TDCJ
2. Convicted of Burglary of a Vehicle
- 3.
- 4.
5. Tier 2 Level 2
- 6.

... PHOTO ...

(b)(6),(b)(7)(C)

... LAST KNOWN ADDRESS ...

Address: (b)(6),(b)(7)(C),(k)(2)  
City: Irving State: TX, 75061  
Telephone Number:

2ND Address: (b)(6),(b)(7)(C) TX

Employment: TWC Neg.

(b)(6) Vehicles: 2002 Hyundai Santa Fe TX 2002 Pont. Grand Am (b)(6),(b)(7)(C)

...Additional Comments...

Subject using a False SSN of (b)(6),(b)(7)(C)

Picture Date: 2005

LOCAL POLICE/SHERIFF WILL BE NOTIFIED PRIOR TO COMMENCEMENT OF OPERATION

## ... SITUATION / MISSION / INVESTIGATIVE LEADS ...

## LOCATE / ARREST

## ... EQUIPMENT / CLOTHING ...

|                 |                    |             |                       |            |                                  |          |               |
|-----------------|--------------------|-------------|-----------------------|------------|----------------------------------|----------|---------------|
| Service Issued: | RADIO / CELL PHONE | Raid Vests: | WITH ICE / BODY ARMOR | Long Arms: | SERV. ISSUED SIDE ARM / LONG ARM | Special: | PLAIN CLOTHES |
|-----------------|--------------------|-------------|-----------------------|------------|----------------------------------|----------|---------------|

|        |                  |                       |                  |                     |
|--------|------------------|-----------------------|------------------|---------------------|
| Team 1 | Officer / Agency | SDDO (b)(6),(b)(7)(C) | Officer / Agency | DO (b)(6),(b)(7)(C) |
|        | Officer / Agency | DO                    | Officer / Agency | DO                  |
|        | Officer / Agency | DO                    | Officer / Agency | IEA                 |
| Team 2 | Officer / Agency |                       | Officer / Agency |                     |
|        | Officer / Agency |                       | Officer / Agency |                     |
|        | Officer / Agency |                       | Officer / Agency |                     |

## ... COMMUNICATIONS ...

|       |           |                   |  |
|-------|-----------|-------------------|--|
| Type: | (b)(7)(E) | Team / Individual |  |
|-------|-----------|-------------------|--|

## ... LAW ENFORCEMENT NOTIFICATION ...

|         |             |       |          |            |              |
|---------|-------------|-------|----------|------------|--------------|
| Agency: | Irving P.D. | Name: | Dispatch | Telephone: | 972-721-2518 |
| Agency: |             | Name: |          | Telephone: |              |
| Agency: | 911         | Name: |          | Telephone: |              |

## ... EMERGENCY MEDICAL SERVICES ...

|           |                                         |            |              |
|-----------|-----------------------------------------|------------|--------------|
| Name:     | Parkland Memorial Hospital              | Telephone: | 214-590-8000 |
| Location: | 5201 Harry Hines Blvd. Dallas, TX 75235 |            |              |
| Name:     | EMERGENCY SERVICES                      | Telephone: | 911          |
| Location: |                                         |            |              |

|                                                   |                    |                                           |
|---------------------------------------------------|--------------------|-------------------------------------------|
| Date of Operation:                                | Time of Operation: | Justification for After Hours Operations: |
| (b)(6),(b)(7)(C)                                  |                    |                                           |
| Assistant Field Office Director<br>OP CROSS CHECK |                    | Deputy Field Office Director/FOD          |

|          |                           |                       |                                            |
|----------|---------------------------|-----------------------|--------------------------------------------|
| CONSENT: | Name of Consent Provider: | Scope of Consent:     | Time Consent Granted:                      |
|          | (b)(6),(b)(7)(C)          | ENTER / REARCH        | 0745                                       |
| CONSENT: | Witness to Consent:       | Time Search Complete: | Time If Consent Withdrawn:                 |
|          | (b)(6),(b)(7)(C)          | 0715                  | N/A                                        |
| RESULTS: | Date of Arrest:           | Location of Arrest:   | Additional Information                     |
|          | N/A                       | N/A                   | subject not located possibly in 2nd school |





Department of Homeland Security  
Immigration and Customs Enforcement

MEMORANDUM OF INVESTIGATION



File Number : (b)(6),(b)(7)(C) Title: (b)(6),(b)(7)(C) Control Office: DAL

Last Known Address: (b)(6),(b)(7)(C) Irving TX, 75061 (b)(6),(b)(7)(C)

Secondary Address: (b)(6),(b)(7)(C) Cedar Hill, TX

Subject using a False SSN of (b)(6),(b)(7)(C)

Mom: (b)(6),(b)(7)(C) LPR  
(b)(6),(b)(7)(C) USC Nat'd.  
(b)(6),(b)(7)(C) USC Born  
(b)(6),(b)(7)(C) Unknown (Poss. ble USC)

L. hts color  
J. BNY H891 Black  
LHP H84 Van w/ h

3/16 0620: Lights on and Grand Am present @  
primary. (b)(6),(b)(7)(C) hit in (b)(6),(b)(7)(C) who were  
in Cedar Hill (secondary). Subject could be @  
either address.

7/14 NEGATIVE (MIA - MARY)  
NEGATIVE (MIA - MARY) - 1st. Mary is 5'6"  
per photo

Immigration Enforcement Agent (b)(6),(b)(7)(C) Date 3/12/2012  
Form G-166C (7-1-83) Page 1 of 1

(b)(6),(b)(7)(C)

Irving, TX 75061 | Directions, Location and Map | MapQuest

Page 1 of 1

mapquest 

Map of

(b)(6),(b)(7)(C)

Irving, TX 75061-1822

Notes

☒ Advertisement

(b)(6),(b)(7)(C)

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Get Directions even quicker! [features.mapquest.com/toolbar/](http://features.mapquest.com/toolbar/)



(b)(6),(b)(7)(C)

- Google Map

Page 1 of 1

Google

Address

(b)(6),(b)(7)(C)

Address is approximate



(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



Print this page in a more readable format: Click Print next to the upper-right corner of the map.

(b)(6),(b)(7)(C)



# **EXHIBIT 4**

**Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility**

**Affidavit**

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

On August 13, 2012, I spoke with the complainant (b)(6),(b)(7)(C) at his residence, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Irving, TX 75061, regarding his knowledge of the allegation (b)(6),(b)(7)(C) provided the following information.

(b)(6),(b)(7)(C) stated on the morning of March 24, 2012, five or six ICE Agents went to his residence looking for a fugitive. (b)(6),(b)(7)(C) stated the officers showed him a photo and gave him a name of the individual they were looking for which he did not recognize.

(b)(6),(b)(7)(C) stated he gave officers permission to search his residence, which they did. (b)(6),(b)(7)(C) stated following their search the officers left his residence and went directly to his wife's address in Cedar Hill, TX. (b)(6),(b)(7)(C) stated he believes this because his wife called him and advised him the officers were at the house looking for his brother.

(b)(6),(b)(7)(C) stated approximately fifteen minutes after the officers departed his residence he left for work. (b)(6),(b)(7)(C) stated when he opened his car he noticed all of the paperwork from his glove box was spread out on the passenger seat.

(b)(6),(b)(7)(C) stated he always leaves his vehicle locked and he does not leave his paperwork out in the vehicle. (b)(6),(b)(7)(C) stated the officers must have opened his car and searched through the paperwork inside looking for the individual they were targeting.

(b)(6),(b)(7)(C) stated nothing was missing from his vehicle and the only reason he noticed his car had been opened was that the items were left on the passenger seat.

(b)(6),(b)(7)(C) stated he did not see anyone go enter his car or take anything out of the glovebox. Adding none of the officers asked him for permission to search his car and he never authorized anyone to search the car. (b)(6),(b)(7)(C) stated he believes the officers must have searched his car and found paperwork with his wife's address on it, and that is how the officers must have located his other address.



The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6), (b)(7)(C)

Amant

before me this day,

8/13/12

(day, month, year)

(b)(6), (b)(7)(C)

Detention and Deportation Officer - Fact Finder  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility

# **EXHIBIT 5**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C)

being duly sworn, state the following:

Q: What is your true and correct name?

A: (b)(6),(b)(7)(C)

Q: Where are you currently employed and by whom?

A: Dallas, Texas Detention Standards Compliance Unit

Q: How long have you been employed there?

A: Since October, 2011, I have been an IEA since 2006.

Q: Have you completed the required 4th amendment training related to fugitive operations?

A: Yes, Legal and Policy Based Instruction for ERO Field Operations Version 2. April 28, 2011

Q: Were you present during an operation on or about March 24, 2012, at (b)(6),(b)(7)(C) in Irving, TX, targeting a Manuel Penate?

A: Yes

Q: Did you enter and search the house for the target?

A: I remember doing perimeter and entering the house after the call on the radio saying permission to enter, I came to the door and entered to what I assume was the living room and stood backing up SDDO (b)(6),(b)(7)(C)

Q: Did the team receive permission to search the house?

A: I cannot confirm or deny, I was assigned to perimeter and once I was called to the front door the team was already inside.

Q: Who provided the consent?

A: I am not sure.

Q: Did you or any of the team members search any of the vehicles outside the residence?

A: From the time I was there to the time I left for the next location on the target list no vehicles had been searched.

Q: Did you receive permission to search the vehicles?

A: I did not search any vehicles.

(b)(6),(b)(7)(C)  
DDO  
(Name & Title)

(b)(6),(b)(7)(C)



Q: Do you have anything else you would like to add?

A: Searching vehicle is not a regular practice unless the target subject is driving and we search the area accessible to that person.

(b)(6),(b)(7)(C)

DDO  
(Name & Title)

Page 2 of 3

(b)(6),(b)(7)(C)

ICE Form 70-038 (11/09)

**ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)**

I have read the foregoing statement consisting of 3 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will provide such information. I made this statement freely and voluntarily, without threat of reward having been made to me in return for it.

Subscribed and sworn to me

on 14, in the month  
of August,  
in the year of 2012.

(b)(6),(b)(7)(C)

Signature

Page 3 of 3

Witness

ICE Form 70-038 (11/09)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged Non-Consensual Search

(theft, misuse of position, loss, etc.)

You, (b)(6),(b)(7)(C)  
(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

Employee's initials

(b)(6),(b)(7)  
(C)

Date

8-14-12



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

You, (b)(6),(b)(7)(C) are hereby directed to personally appear  
(Employee's Name)

on 08/14/2012 before (b)(6),(b)(7)(C) DDO  
(Date) (Name and Title of Investigating Official)

at The Dallas Field Office  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C)

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

**Acknowledgement of Receipt**

8-14-12  
Date

ICE Form 70-021 (08/09)

# **EXHIBIT 6**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C)

being duly sworn, state the following:

Q: What is your true and correct name?

A: (b)(6),(b)(7)(C)

Q: Where are you currently employed and by whom?

A: Dallas, Texas Fugitive Operations

Q: How long have you been employed there?

A: Five years with Fug. Ops before that five years as an IEA with CAP.

Q: Have you completed the required 4th amendment training related to fugitive operations?

A: Yes.

Q: Were you present during an operation on or about March 24, 2012, at (b)(6),(b)(7)(C) in Irving, TX, targeting a (b)(6),(b)(7)(C)

A: Yes.

Q: Did you enter and search the house for the target?

A: Yes.

Q: Did the team receive permission to search the house?

A: Yes.

Q: Who provided the consent?

A: The brother of the targeted individual.

Q: Did you or any of the team members search any of the vehicles outside the residence?

A: I did not search any vehicle outside of the house. I was the contact officer for this operation and was inside the residence until it had been searched for the target. When I departed the location I did not see anyone searching the subject's vehicle and I never heard about anyone searching a vehicle while at the residence.

Q: Did you receive permission to search the vehicles?

A: No.

Q: Do you have anything else you would like to add?

(b)(6),(b)(7)(C)

Interviewing Official (Name & Title)

DDO

(b)(6),(b)(7)(C)

Affiant's Initials

Page 1 of 3

ICE Form 70-038 (11/09)



A: No.

End of Statement of

(b)(6),(b)(7)(C)

Interviewing Official (Name & Title)

Page 2 of 3

(b)(6),(b)(7)(C)

ICE Form 70-038 (11/09)

**ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)**

I have read the foregoing statement consisting of 3 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily, of reward having been made to me in return for it.

Subscribed and sworn to me

on 14, in the month  
of August,  
in the year of 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

\_\_\_\_\_  
Witness

Page 3 of 3

ICE Form 70-038 (11/09)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

You (b)(6),(b)(7)(C) are hereby directed to personally appear  
(Employee's Name)  
on 08/14/2012 before (b)(6),(b)(7)(C) DDO  
(Date) (Name and Title of Investigating Official)  
at The Dallas Field Office  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C)

Signature of Investigating Official

U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

knowledge of Receipt

8/7/12  
Date

ICE Form 70-021 (08/09)



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged Non-Consensual Search

(theft, misuse of position, loss, etc.)

You, (b)(6),(b)(7)(C)

(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

Employee's initials

(b)(6),(b)(7)(C)

Date

8/7/12

# **EXHIBIT 7**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C)

being duly sworn, state the following:

Q: What is your true and correct name?

A: (b)(6),(b)(7)(C)

Q: Where are you currently employed and by whom?

A: Dallas, Texas Fugitive Operations

Q: How long have you been employed there?

A: Since October 2011, I have been an IEA since 2007.

QQ: Have you completed the required 4th amendment training related to fugitive operations?

A: Yes, Legal and Policy Based Instruction for ERO Field Operations Version 2. April 28, 2011

Q: Were you present during an operation on or about March 24, 2012, at (b)(6),(b)(7)(C) in Irving, TX, targeting a (b)(6),(b)(7)(C)

A: Yes

Q: Did you enter and search the house for the target?

A: I remember doing perimeter and entering the house after the call (b)(7)(E) saying permission to enter, I came to the door and entered to what I assume was the living room and stood backing up SDDO (b)(6),(b)(7)(C)

Q: Did the team receive permission to search the house?

A: I cannot confirm or deny, I was assigned to perimeter and once I was called to the front door the team was already inside.

Q: Who provided the consent?

A: I am not sure.

Q: Did you or any of the team members search any of the vehicles outside the residence?

A: While the vehicles were in my view none had been searched.

Q: Did you receive permission to search the vehicles?

A: I did not search any vehicles.

Q: Do you have anything else you would like to add?

A: Searching vehicle is not a regular practice unless the target subject is driving and

(b)(6),(b)(7)(C)

DDO  
al (Name & Title)

(b)(6),(b)(7)(C)

Page 1 of 3

ICE Form 70-038 (11/09)



we search the area accessible to that person incident to arrest.

*Nothing  
+ follows*

(b)(6),(b)(7)(C)

*DDO*

Interviewing Official (Name & Title)

Page 2 of 3

(b)(6),(b)(7)(C)

Interviewing Official

ICE Form 70-038 (11/09)

ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)

I have read the foregoing statement consisting of 3 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promise of reward having been made to me in return for it.

Subscribed and sworn to me

on 14, in the month

of August,

in the year of 2012.

(b)(6),(b)(7)(C)

DDO

(Signature & Title)

Signature

Page

3 of 3

(b)(6),(b)(7)(C)

Affiant

(b)(6),(b)(7)(C)

Witness

ICE Form 70-038 (11/09)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

You, (b)(6),(b)(7)(C) are hereby directed to personally appear  
(Employee's Name)  
on 08/14/2012 before (b)(6),(b)(7)(C) DDO  
(Date) (Name and Title of Investigating Official)  
at The Dallas Field Office  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C)  
\_\_\_\_\_  
Signature of Investigating Official

U.S. Immigration and Customs Enforcement

**Acknowledgement of Receipt**

Employ (b)(6),(b)(7)(C)

8/14/12  
Date



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged Non-Consensual Search

(theft, misuse of position, loss, etc.)

You (b)(6),(b)(7)(C)  
(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

Employee's initials (b)(6),(b)(7)(C) Date 8/14/12

# **EXHIBIT 8**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C)

being duly sworn, state the following:

Q: What is your true and correct name?

A: (b)(6),(b)(7)(C)

Q: Where are you currently employed and by whom?

A: SDDO, Dallas, Texas Fugitive Operations

Q: How long have you been employed there?

A: Since October 2009, I was a DO on the Fug Ops team for approximately 3 years prior to that.

Q: Have you completed the required 4th amendment training related to fugitive operations?

A: Yes

Q: Were you present during an operation on or about March 24, 2012, at (b)(6),(b)(7)(C) in Irving, TX, targeting a (b)(6),(b)(7)(C)

A: Yes

Q: Did you enter and search the house for the target?

A: Yes

Q: Did the team receive permission to search the house?

A: Yes

Q: Who provided the consent?

A: The owner of the residence.

Q: Did you or any of the team members search any of the vehicles outside the residence?

A: I did not search any vehicles. I did not see anyone search any vehicles.

Q: Did you receive permission to search the vehicles?

A: No

Q: Do you have anything else you would like to add?

A: No

(b)(6),(b)(7)(C)  
DDO  
Investigating Official (Name & Title)

(b)(6),(b)(7)(C)  
initials

Page 1 of 2

ICE Form 70-038 (11/09)



ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)

I have read the foregoing statement consisting of 2 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promise of reward having been made to me in return for it.

Subscribed and sworn to me

on 14, in the month  
of August,  
in the year of 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

Page 2 of 2

ICE Form 70-038 (11/09)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**GENERAL NOTICE**

I am investigating the alleged Non-Consensual Search

(theft, misuse of position, loss, etc.)

You, (b)(6), (b)(7)(C)

(Employee's Name)

are the subject of the investigation concerning this matter.

**One of the following must be checked.**

- ☐ The general nature of this matter is criminal.
- ☒ The general nature of this matter is administrative.

**One of the following must be checked.**

- ☐ This interview is related to possible criminal misconduct by you.
- ☒ This interview is not related to possible criminal misconduct by you.

Employee's initials

(b)(6), (b)(7)(C)

Date

8/14/12

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

You, (b)(6),(b)(7)(C) are hereby directed to personally appear

(Employee's Name)

on 08/14/2012 before (b)(6),(b)(7)(C) DDO  
(Date) (Name and Title of Investigating Official)

at The Dallas Field Office  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☐ A Witness

☒ A Subject

(b)(6),(b)(7)(C)

Signature of Investigating Official

U.S. Immigration and Customs Enforcement

**Acknowledgement of Receipt**

(b)(6),(b)(7)(C)

8/14/12  
Date

ICE Form 70-021 (08/09)



# **EXHIBIT 9**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ADMINISTRATIVE INQUIRY AFFIDAVIT

STATE OF: Texas

COUNTY OF: Dallas

I, (b)(6),(b)(7)(C)

being duly sworn, state the following:

Q: What is your true and correct name?

A: (b)(6),(b)(7)(C)

Q: Where are you currently employed and by whom?

A: Dallas, HSI

Q: How long have you been employed there?

A: I started with INS in 1996 and then switched over to ICE when it was created.

JB

Q: Have you completed the required 4th amendment training related to fugitive operations?

A: I believe I sat in on the training prior to the Operation.

Q: Were you present during an operation on or about March 24, 2012, at (b)(6),(b)(7)(C) in Irving, TX, targeting a Manuel Penate?

A: Yes but I do not remember the target's name.

(b)(6),(b)(7)(C)

Q: Did you enter and search the house for the target?

A: Yes

Q: (b)(6),(b)(7)(C) the team receive permission to search the house?

A: (b)(7)(C) I don't recall. I don't believe I was on the porch and I didn't hear the conversation at the door. I followed the other officers in to the home.

Q: Who provided the consent?

A: I do not know.

Q: Did you or any of the team members search any of the vehicles outside the residence?

A: I did not, I am unaware of anyone else searching a vehicle.

Q: Did you receive permission to search the vehicle(s)?

A: I don't recall anyone asking for permission to search a vehicle.

Q: Do you have anything else you would like to add?

A: We went to a lot of houses during the operation and it is hard to remember any specific location details about this specific location.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

DDO  
(Name & Title)

(b)(6),(b)(7)(C)

Affiant's Initials

Page 1 of 2

ICE Form 70-038 (11/09)

**ADMINISTRATIVE INQUIRY AFFIDAVIT (continuation)**

I have read the foregoing statement consisting of 2 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided in this statement, I will promptly contact the fact finder and provide such information. I made this statement freely and voluntarily without any threats or reward, or promise of reward having been made to me in return for it.

Subscribed and sworn to me

on 21, in the month  
of August,  
in the year of 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Signature

Page 2 of 2

ICE Form 70-038 (11/09)



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY**

You (b)(6),(b)(7)(C) are hereby directed to personally appear  
(Employee's Name)  
on 08/21/2012 before (b)(6),(b)(7)(C) DDO  
(Date) (Name and Title of Investigating Official)  
at Dallas Texas  
(Location)

in connection with an official investigation being conducted or authorized by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility (OPR).

All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with ICE policy, may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

If you are in a bargaining unit, you may have a right to Union representation.

Your appearance is requested as

☒ A Witness

☐ A Subject  
(b)(6),(b)(7)(C)

Signature of Investigating Official

U.S. Immigration and Customs Enforcement

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**Acknowledgement of Receipt**

(b)(6),(b)(7)(C)

8-21-12  
Date

ICE Form 70-021 (08/09)

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DEPARTMENT OF HOMELAND SECURITY 1. CASE NUMBER  
Immigration and Customs Enforcement

(b)(7)(E)

2. REPORT NUMBER

Administrative Inquiry Report 001

4. TITLE

EMPLOYEE, UNKNOWN/Unknown/0802 Conflict of Interest-Misuse of  
Position/IRVING, DALLAS,  
TX

5. STATUS 6. TYPE

Closing Report Not Referred to Management

7. TOPIC

Searched Vehicle Without Warrant or Consent

8. SUMMARY

On June 01, 2012, the Joint Intake Center (JIC) Washington, DC, received a referral from  
the

Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties  
(CRCL),

regarding a complaint from (b)(6),(b)(7)(C), a civilian in Irving, TX, who  
alleged that

unidentified U.S. Immigration and Customs Enforcement (ICE) Agents violated his civil  
rights by

searching his vehicle without receiving his consent.

OPR is not referring this inquiry for consideration of agency action.

10. ORIGINATOR (Print Name & Title) 11. COMPLETION DATE 14. ORIGIN  
OFFICE

GEORGE, DONALD S - ICE OPR Fact Finder 23-AUG-2012 ICE Enforcement &  
Removal Operations

12. APPROVED BY(Print Name & Title) 13. APPROVED DATE 15. TELEPHONE  
NUMBER

GLENDON HAVENS - ICE-OPR Special Agent  
Supervisor

23-AUG-2012 No Phone Number

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Immigration and Customs Enforcement

(b)(7)(E)

2. REPORT NUMBER

Administrative Inquiry Report

CONTINUATION

001

10. NARRATIVE

EXECUTIVE SUMMARY

On June 01, 2012, the JIC received a referral from CRCL regarding a complaint from R. Penate,

in which he alleged that ICE agents violated his civil rights by searching his vehicle without

receiving his consent.

On June 26, 2012, Detention and Deportation Officer (DDO) (b)(6),(b)(7)(C)

Enforcement and

Removal Operations, Headquarters (ERO/HQ), was assigned as Fact Finder (FF) for an Administrative Inquiry into the allegation.

The Administrative Inquiry revealed that on March 24, 2012, (b)(6),(b)(7)(C) gave agents from ICE,

ERO/Dallas, consent to search his residence in connection with an ERO/Dallas investigation

seeking the apprehension of (b)(6),(b)(7)(C) brother, (b)(6),(b)(7)(C). In his complaint to

CRCL, (b)(6),(b)(7)(C) alleged that after the agents left his house on March 24, 2012, he discovered

that in his vehicle parked at his residence, paperwork had been removed from the glove box and

placed on the seat. (b)(6),(b)(7)(C) stated that an hour later he received a call from his wife who told

him the agents were at her house. During a subsequent interview by FF (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

alleged that although he had not seen anyone search his vehicle, he believed the ERO/Dallas

Agents searched his vehicle without his consent and found paperwork revealing his wife's address.

During subsequent Administrative Inquiry interviews, ERO/Dallas Agents participating in the

search of (b)(6),(b)(7)(C) residence each stated they had not searched (b)(6),(b)(7)(C) vehicle, nor had

any knowledge of other agent's searching (b)(6),(b)(7)(C) vehicle.

ALLEGATION: Searched Vehicle Without Warrant or Consent

Not Referred to Management

DETAILS OF ADMINISTRATIVE INQUIRY

On June 01, 2012, the JIC received a referral from CRCL, consisting of a written complaint from

(b)(6),(b)(7)  
(C) to CRCL (Exhibit 1). In his complaint to CRCL, (b)(6),(b)(7)  
(C) stated that on March 24,

2012, he gave ICE Agents consent to search his residence and that after the agents left his house

he discovered that in his vehicle parked at his residence, paperwork had been removed from the

glove box and placed on the seat. (b)(6),(b)(7)  
(C) stated that an hour later he received a call from his

wife who told him the agents were at her house. (b)(6),(b)(7)  
(C) stated he believed agents had searched his vehicle without his consent.

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(b)(7)(E)

2. REPORT NUMBER

Administrative Inquiry Report  
CONTINUATION  
001

10. NARRATIVE

(b)(6),(b)(7)(C) On June 26, 2012, (b)(6),(b)(7)(C) received an email from Assistant Field Office Director (AFOD)

(b)(6),(b)(7)(C) ERO/Dallas (Exhibit 2). In the email, AFOD (b)(6),(b)(7)(C) identified

Supervisory

Detention and Deportation Officer (SDDO) (b)(6),(b)(7)(C) Deportation Officer (DO)

(b)(6),(b)(7)(C)

Immigration Enforcement Agent (IEA) (b)(6),(b)(7)(C) and IEA (b)(6),(b)(7)(C) all of ERO/Dallas,

and Special Agent (SA) (b)(6),(b)(7)(C) ICE, Homeland Security Investigations, Dallas, TX (HSI/Dallas), as ICE employees at (b)(6),(b)(7)(C) residence on March 24, 2012 (Exhibit 2).

(b)(6),(b)(7)(C) AFOD (b)(6),(b)(7)(C) also provided a copy of a Fugitive Operations Worksheet (FOW), compiled by DO

(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) dated March 12, 2012, regarding the planning and action taken at (b)(6),(b)(7)(C) residence

(Exhibit 3). A review of the FOW reveals that (b)(6),(b)(7)(C) was the target of the operation and that

queries conducted on March 12, 2012, indicate his last known address as (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Irving, TX (b)(6),(b)(7)(C). The FOW also shows that (b)(6),(b)(7)(C) vehicle had been seen

in the driveway of (b)(6),(b)(7)(C) Irving, TX, and also indicates a secondary address of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) in Cedar Hill, TX (b)(6),(b)(7)(C) residence). The FOW notes that consent to enter

and search the residence at (b)(6),(b)(7)(C) Irving, TX, was verbally given by (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) at

7:45 A.M., and the search was completed at 8:15 am.

On August 13, 2012, (b)(6),(b)(7)(C) was interviewed by (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

ERO/HQ (Exhibit 4). During the interview (b)(6),(b)(7)(C) reiterated that on March 24, 2012, he gave

ICE Agents consent to search his residence and that after the agents left his house he discovered

that in his vehicle at his residence, paperwork had been removed from the glove box and placed



on the seat. (b)(6),(b)(7)(C) stated that an hour later he received a call from his wife who told him the agents were at her house. (b)(6),(b)(7)(C) alleged that although he had not seen anyone search his vehicle and nothing was missing, he believed the ERO/Dallas Agents searched his vehicle without his consent and found paperwork revealing his wife's address.

On August 14, 2012 (b)(6),(b)(7)(C) interviewed IEA (b)(6),(b)(7)(C). Prior to the interview IEA (b)(6),(b)(7)(C) was furnished a General Notice Form, a Non-Disclosure Form, a Required Appearance and Sworn Testimony form and a Weingarten Rights Form. IEA (b)(6),(b)(7)(C) declined union representation (Exhibit 5). IEA (b)(6),(b)(7)(C) stated that on March 24, 2012, he had not searched any vehicle, nor had he seen anyone else search any vehicle at (b)(6),(b)(7)(C) Irving, TX.

On August 14, 2012 (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). Prior to the interview DO (b)(6),(b)(7)(C) was furnished a General Notice Form, a Non-Disclosure Form, and a Required Appearance and Sworn Testimony form. DO (b)(6),(b)(7)(C) was also furnished a Weingarten Rights Form, but declined union representation (Exhibit 6). DO (b)(6),(b)(7)(C) stated that on March 24, 2012, he had not searched any vehicle, nor had he seen anyone else search any vehicle at (b)(6),(b)(7)(C) Irving, TX.

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(b)(6),(b)(7)(C)

2. REPORT NUMBER

Administrative Inquiry Report  
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001

10. NARRATIVE

On August 14, 2012, (b)(6),(b)(7)(C) interviewed IEA (b)(6),(b)(7)(C) Prior to the interview IEA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was furnished a General Notice Form, a Non-Disclosure Form, a Required Appearance and Sworn Testimony form, and a Weingarten Rights Form. Accompanying IEA (b)(6),(b)(7)(C) during the interview (b)(6),(b)(7)(C)

was American Federation of Government Employees Union Representative (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) who signed a Non-Disclosure form for Union Representative Form, which is included with IEA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) warnings (Exhibit 7). IEA (b)(6),(b)(7)(C) stated that on March 24, 2012, he had not searched any vehicle, nor had he seen anyone else search any vehicle at (b)(6),(b)(7)(C) Irving, TX.

(b)(6),(b)(7)(C) On August 14, 2012, (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) Prior to the interview (b)(6),(b)(7)(C) SDDO

(b)(6),(b)(7)(C) was furnished a General Notice Form, a Non-Disclosure Form and a Required Appearance and Sworn Testimony form (Exhibit 8). SDDO (b)(6),(b)(7)(C) stated that on (b)(6),(b)(7)(C) March 24, 2012, he had not searched any vehicle, nor had he seen anyone else search any vehicle at (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Irving, TX.

(b)(6),(b)(7)(C) On August 21, 2012, FF (b)(6),(b)(7)(C) spoke by phone with SA (b)(6),(b)(7)(C) who was previously emailed (b)(6),(b)(7)(C)

blank Third party Witness, Non-Disclosure, and Required Appearance and Sworn Testimony

(b)(6),(b)(7)(C) forms which he signed and returned to FF (b)(6),(b)(7)(C) SA (b)(6),(b)(7)(C) had also been furnished a (b)(6),(b)(7)(C) blank

Q&A affidavit regarding his knowledge of vehicles searched at (b)(6),(b)(7)(C) Irving, TX, on

(b)(6),(b)(7)(C) March 24, 2012. SA (b)(6),(b)(7)(C) stated he had read the warning forms. SA (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) on March 24, 2012, he had not searched any vehicle, nor had he seen anyone else search any vehicle at (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Irving, TX. SA (b)(6),(b)(7)(C) completed the original warning forms and his original

signed affidavit, which were received via mail by FF (b)(6),(b)(7)(C) on August 22, 2012 (Exhibit 9).

This administrative inquiry revealed that ERO/Dallas and HSI/Dallas Agents were conducting an official investigation and were lawfully at (b)(6),(b)(7)(C) Irving, TX, on March 24, 2012. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) acknowledged in both his written complaint to CRCL and his interview with FF (b)(6),(b)(7)(C) that

he gave verbal consent to search to agents to search his residence on March 24, 2012. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated during his interview that he had not seen any agent search his vehicle, but felt that

agents had searched his vehicle because agents went to his wife's residence immediately after

leaving his residence, and because he had allegedly discovered after the search of his residence

that contents from the glove compartment of his vehicle had been tampered with. The ERO/Dallas FOW compiled by DO (b)(6),(b)(7)(C) indicates that as early as March 12, 2012, agents

(b)(6),(b)(7)(C) knew of the secondary address associated with (b)(6),(b)(7)(C) which was the residence of the wife of

(b)(6),(b)(7)(C) Additionally, all agents interviewed stated that they had not searched, nor had seen

anybody search any vehicle while at (b)(6),(b)(7)(C) Irving, TX, on March 24, 2012.

During this Administrative inquiry no evidence was discovered

Indicating (b)(6),(b)(7)(C) vehicle was searched by agents present at (b)(6),(b)(7)(C)

Irving, TX, on March 24, 2012.



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Immigration and Customs Enforcement

(b)(7)(E)

2. REPORT NUMBER

Administrative Inquiry Report

CONTINUATION

001

10. NARRATIVE

OPR is not referring this inquiry for consideration of agency action.

EXHIBITS

1. Civil Rights complaint submitted by (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

2. Email from AFOD \_\_\_\_\_ with names of agents involved.

3. FOW related to investigation of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

4. Affidavit of FF \_\_\_\_\_ regarding interview of (b)(6),(b)(7)(C)

5. Affidavit of IEA (b)(6),(b)(7)(C) . Attached warnings

6. Affidavit of DO \_\_\_\_\_ Attached warnings

7. Affidavit of IEA \_\_\_\_\_ Attached warnings

(b)(6),(b)(7)(C)

8. Affidavit of SDDO \_\_\_\_\_ Attached warnings

(b)(6),(b)(7)(C)

9. Affidavit of SA \_\_\_\_\_ Attached warnings

|                  |                            |
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| <b>Producer:</b> | Oracle XML Publisher 5.6.3 |



U.S. Immigration  
and Customs  
Enforcement

December 16, 2013

(b)(6),(b)(7)(C)

Criminal Investigator  
Homeland Security Investigations  
Seattle, WA

(b)(6),(b)(7)(C)

In accordance with the provisions of Title 5 of the Code of Federal Regulations Part 752, the ICE Discipline and Adverse Action Panel (DAAP) proposes to remove you from your position as a Criminal Investigator, GS-1811-13, and from federal service. Should a decision be made to sustain this proposed removal, the decision will be effected not earlier than thirty (30) calendar days following the receipt of this notice. This notice is based on the following reason:

**REASON ONE: FALSE STATEMENT**

Specification One: On or about October 22, 2013, you falsely notified (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) a group supervisor, via telephone and subsequently in a written statement that you accidentally damaged the driver's side rear taillight of your government owned vehicle (GOV) with your baton, explaining that your baton protruded from your gear bag and collided with the driver's side rear taillight as you were loading your gear bag into the trunk. But, as you knew, your baton did not actually cause damage to your GOV; a small tree did. As you admitted, on November 1, 2013, ten days after first reporting the incident, your driveway at the time sat at the bottom of a steep hill. On or about October 22, 2013, while driving uphill in reverse to back out of your driveway, you crashed into a small tree, causing damage to the driver's side rear taillight.

**REASON TWO: UNAUTHORIZED USE OF GOVERNMENT VEHICLE**

Specification One: The Agency authorized you to use a GOV to perform law enforcement work and drive between your home and work. Although you lacked the authority to transport anyone in your GOV other than federal employees on official government business, sometime between April and July 2012, you invited (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) your tenant and one-time romantic partner, to travel with you in your GOV while you (b)(7)(E) on a foreign citizen of interest to the Agency. Your decision to transport (b)(6),(b)(7)(C) in your GOV while you conducted law enforcement work constitutes unauthorized use and/or misuse of your GOV.

Specification Two: Sometime between March and July 2012, when (b)(6),(b)(7)(C) lived with you in your home as a tenant, she witnessed you use your GOV to transport your garbage to a waste receptacle(s) located at a nearby apartment complex because the city you lived in allegedly failed to dispose of your trash. Your decision to use your GOV to transport your trash to another location for disposal constitutes unauthorized use and/or misuse of your GOV.

Specification Three: Sometime in or about September 2012, your GOV blocked the vehicle of (b)(6),(b)(7)(C) your tenant at the time, in the driveway that you and she shared. You provided (b)(6),(b)(7)(C) with the keys to your GOV so that she could move your GOV to a different location that did not block her car. Your decision to allow a non-federal employee for no law enforcement purpose to drive your GOV constitutes unauthorized use and/or misuse of your GOV.

### **REASON THREE: MISUSE OF GOVERNMENT-OWNED AMMUNITION**

Specification One: In or about mid-to-late 2012, you obtained 9 mm ammunition from the Agency. On two occasions in or about this time frame, you provided (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) a substantial number of rounds of 9 mm ammunition. When you gave (b)(6),(b)(7)(C) the 9 mm ammunition, you told him something to the effect that you could get all the ammunition you wanted from work for free; you then invited (b)(6),(b)(7)(C) to let you know if he wanted anymore ammunition.

### **REASON FOUR: CONDUCT UNBECOMING A LAW ENFORCEMENT OFFICER**

Specification One: Before you invited (b)(6),(b)(7)(C) to accompany you in your GOV while you (b)(7)(E) (b)(6),(b)(7)(C) sometime between April and July 2012, you showed her a file containing a photograph and information about the target (b)(7)(E). Your decision to share information that the government maintained on the subject of your (b)(7)(E) with a non-federal employee who did not have a need to know constitutes conduct unbecoming a law enforcement officer.

Specification Two: Sometime on or about December 20, 2012, you provided (b)(6),(b)(7)(C) with a piece of paper containing information you obtained from the Treasury Enforcement Communications System (TECS) about an individual who the government maintain information about so that she could use the blank side of the paper to print out a boarding pass on a flight she would soon be taking to Calgary, Canada. Your decision to release information that the government maintained on an individual for law enforcement reason to a non-federal employee who did not have a need to know constitutes conduct unbecoming a law enforcement officer.



## REASON FIVE: FAILURE TO FOLLOW SUPERVISORY INSTRUCTIONS

Specification One: On or about January 29, 2013, your group supervisor, (b)(6),(b)(7)(C) discovered a mail bin filled with approximately twenty Alien files (A-files) in the backseat of your GOV. (b)(6),(b)(7)(C) previously instructed you on more than one occasion to cease storing A-files in your GOV because it was against regulations. Your failure, on January 29, 2013, to follow (b)(6),(b)(7)(C) previous instructions on more than one occasion to cease storing A-files in your GOV constitutes a failure to follow supervisory instructions.

## REASON SIX: LACK OF CANDOR

Specification One: On June 13, 2013, you signed and swore to an affidavit of your testimony in the Office of Professional Responsibility's (OPR's) investigation of you for misconduct. In response to the question, "Did you ever use your GOV to transport trash from your residence to a community dumpster?" you answered, "No." Your failure to disclose that sometime between March and July 2012 you used your GOV to transport trash from your residence to a waste receptacle(s) at a nearby apartment complex in response to this question constitutes a lack of candor.

Specification Two: In your June 13, 2013 OPR affidavit, you testified that you never allowed a civilian to drive your GOV because it was blocking the driveway. Your failure to disclose in your OPR affidavit that you let (b)(6),(b)(7)(C) drive your GOV sometime in or about September 2012 to move it so that it would not block her vehicle constitutes a lack of candor.

Specification Three: In your June 13, 2013 OPR affidavit, you testified that you only disclosed generic information about subjects you were investigating to your friends, girlfriends, and/or roommates. Your failure to disclose that, sometime between March and July 2012 you showed (b)(6),(b)(7)(C) your former romantic partner and roommate, a photograph and information about a subject you planned (b)(7)(E) on constitutes a lack of candor.

Specification Four: In your June 13, 2013 OPR affidavit, you testified that you only provided personally owned ammunition to civilians. Your failure to disclose that sometime, in or about mid-to-late 2012, you provided (b)(6),(b)(7)(C) with 9 mm ammunition that you claimed you obtained from the government constitutes a lack of candor.

Specification Five: On September 13, 2007, you resigned from your brief tenure with the Garfield County Sheriff's Office as a deputy sheriff in lieu of removal related to failing to properly handcuff an inmate. In fact, you permitted an inmate to handcuff himself, resulting in his escape from custody. But, on November 1, 2008, you certified in an electronic questionnaire you completed for the background investigation that the Agency intended to conduct in connection with your application to become a Criminal Investigation that:

[You] [I] left [the Garfield County Sheriff's Office] to pursue applying for other federal employment. The pay, rural living conditions, and lack of advancement opportunities were the prime factors.

Your failure to disclose that you resigned from your position with the Garfield County Sheriff's Office in lieu of termination constitute a lack of candor.

Specification Six: On June 7, 2009, you completed a declaration for federal employment, in which you certified that your answers were "true, correct, complete, and made in good faith." The form asked you to disclose whether or not you resigned from a place of employment in lieu of removal during the last five years. Although you disclosed that you were terminated, in or about March 2006, from the Spokane County Sheriff's Office, you failed to disclose that, on September 13, 2007, you resigned in lieu of removal from the Garfield County Sheriff's Office. Your failure to disclose your 2007 resignation in lieu of removal on your 2009 declaration of federal employment constitutes a lack of candor.

Specification Seven: On August 22, 2011, you completed a declaration for federal employment, in which you certified that your answers were "true, correct, complete, and made in good faith." The form asked you to disclose whether or not you resigned from a place of employment in lieu of removal during the last five years. But, you failed to disclose that, on September 13, 2007, you resigned in lieu of removal from the Garfield County Sheriff's Office. Your failure to disclose your 2007 resignation in lieu of removal on your 2011 declaration of federal employment constitutes a lack of candor.

In proposing this action, the DAAP considered your conduct in relation to your duties as a Criminal Investigator. As a law enforcement officer, you are held to a higher standard of conduct because you occupy a position of trust and responsibility. Your misconduct is extensive and serious and demonstrates a substantial pattern of disregarding basic rules, policies, procedures that are fundamental to safeguarding the privacy of law enforcement information, the integrity and success of law enforcement operations, officer safety, and the safety of the public. For example, when you invited (b)(6),(b)(7)(C) a member of the public, to ride with you in your GOV while you conducted surveillance, not only did you violate rules prohibiting you from carrying members of the public in your GOV but you put her safety at risk for no law enforcement reason whatsoever. This is a serious issue. If, for example, you encountered the target of your investigation, he could have become violent and exposed your passenger to bodily harm. Also, you could have been involved in a car accident, which would also expose your passenger to harm and physical injury. You acted in a manner that demonstrated a lack of concern about these very real potential consequences of your decision to invite (b)(6),(b)(7)(C) to travel with you in your GOV (b)(7)(E) conduct which constitutes unauthorized use of your GOV. You also shared the identity of and information about the subject of your (b)(7)(E) with (b)(6),(b)(7)(C). Not being subject to any rules against non-disclosure of sensitive law enforcement information, (b)(6),(b)(7)(C) could have disclosed this information to a criminal element, or a friend or acquaintance who then disclosed that information to a criminal element. Or, she could have disclosed it to someone who then disclosed it to the target of your



(b)(7)(E)

You acted in a manner that demonstrated a lack of concern that your disclosure of information about an individual of interest to the government could undermine the law enforcement operation; and, also make the Agency vulnerable to civil liability for violating the Privacy Act.

Further aggravating your misconduct is the fact that engaging seven instances of lack of candor and one instance of false statement (where you blatantly lied to your supervisor about the circumstances resulting in damage to your GOV) renders you *Giglio*-impaired. This means the misconduct you engaged in would likely be an issue if you needed to testify on behalf of the government in a criminal proceeding and could render your testimony unreliable. Unreliable testimony often causes significant prejudice to the government's interest and often results in dismissed cases, but more importantly, results in the Department of Justice not relying on the criminal cases you present, which is a significant disability for this Agency as it is charged with enforcing numerous federal criminal statutes.

Finally, your work record with the Agency, as well as your work record before you began your employment with the Agency, demonstrates a consistent pattern of failing to exercise due care on the job or respect for basic rules, regulations, and procedures. Although later reduced to a letter of reprimand, on May 12, 2011, the Agency considered suspending you from service without pay for two days because you and your partner left two detainees unattended in a GOV even though policy forbid this; and, predictably, the two detainees escaped custody. Less than one year later, on March 1, 2012, your supervisor counseled you in writing because his prior efforts to get you to perform records checks on your own using TECS instead of telephoning sector to do it for you failed. In the context of your work record before you came to the Agency, including, but not limited to, a resignation from the Garfield County Sheriff's Department because you failed to follow proper handcuffing procedures, plus the 2011 letter of reprimand and 2012 counseling, you should have known how important it was to this Agency or any law enforcement agency that its law enforcement officers comply with rules, regulations, and procedures. Despite being placed on more than sufficient notice of the need to comply with policy, procedures, etc., the misconduct outlined in this proposal demonstrates that you have not yet learned this lesson and are unlikely to sufficiently learn it in the future. In other words, the DAAP does not consider you as having a meaningful potential for rehabilitation. Instead, the DAAP concludes that the record demonstrates that you have a tendency to disregard rules and procedures if it inconveniences you or you want to show off your position or the perks of your position to a friend. It also demonstrates that you believe your position somehow places you above the law. For example, two witnesses (b)(6),(b)(7)(C) testified under oath that you represented to them something to the effect that your position gives you "a get-out-of-jail-free card." The DAAP views this as an additional aggravating factor.

Because of the seriousness of your misconduct and after weighing all of the relevant aggravating factors, the DAAP proposes that the deciding official consider removing you from your position as a Criminal Investigator. This penalty is consistent with Part E(1) of the ICE Table of Offenses and Penalties, which recommends a reprimand to removal for lack of candor. Because you engaged in multiple instances of lack of candor and false statement, as well as other misconduct, the DAAP believes that removal is appropriate.



This is only a proposal. You have the right to reply to this proposal orally, in writing, or both, and to furnish affidavits and other documentary evidence, including medical documentation, in support of your reply. If you disagree with this proposed action, your reply should set forth the reasons for your belief that this action should not take place.

You are entitled to be represented in this matter by an attorney or other representative of your choice. In order for a representative to act on your behalf in this matter, you must submit a written designation of representation, signed by you, identifying that person as your representative. A Designation of Representative form is enclosed for your use.

You and your representative, if any, are entitled to review the material relied upon to support this proposal. A copy of such material is attached. You and your representative, if in a duty status, will be allowed a reasonable amount of official time to review the material relied upon to support this action, to secure affidavits or other documentation and to prepare and/or present any reply(s). Requests for such official time must be submitted in advance to your supervisor and, if applicable, to your employee representative's supervisor for approval.

Any written reply to this proposal must be directed to the Deciding Official or designee, within ten (10) calendar days beginning the day after you receive this notice. If you wish to present an oral reply, you or your designated representative, if any, must contact the Deciding Official by telephone at (206) 4- or via email at (b)(6),(b)(7)(C), within this specified timeframe to schedule an appointment for that purpose.

If you believe you need additional time to prepare a reply to this proposal, you may request an extension, in writing, within the cited timeframe from the Deciding Official. Any such request must contain an explanation as to why additional time is needed. Extensions are not automatically granted, but rather will be based upon good cause shown.

All correspondence, including any written reply, request to reply orally or any request for additional time to reply should be addressed in writing and sent by e-mail (b)(6),(b)(7)(C) or U.S. Mail to the attention of the Deciding Official, (b)(6),(b)(7)(C) Special Agent in Charge, 1000 Second, Seattle, WA 98104.

Full consideration will be given to any timely reply. You will receive a written decision on this proposal as soon as possible after your reply is received. In the event that you elect not to reply, a decision will be made on the evidence now available and a letter containing that decision will be issued to you. You will remain in a paid duty status during the entire notice period.

Proposal Letter

Page 7 of 9

You are also advised of the Employee Assistance Program (EAP), which is free and confidential, and may be able to assist you with any personal problems that you may be experiencing. You may schedule an appointment with EAP by calling (800) 211-2477 (b)(6),(b)(7)(C)

If you have any questions regarding your rights or other procedures contained in this notice, you may contact the Employee and Labor Relations Office in Laguna Niguel, CA at (949) 360-1234 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Disciplinary Adverse Action Panel

Enclosures:

Acknowledgement of Receipt

Designation of Representative

Supporting Documents:

1. (b)(6),(b)(7)(C) Case Number (b)(6),(b)(7)(C) (with 19 exhibits);
2. Prior Employment Records and Background Check;
3. Documents regarding discrepancies in reporting damage to GOV;
4. Document related to misuse of government ammunition;
5. 3/1/12 Letter of Counseling;
6. 6/1/11 Letter of Reprimand;
7. 5/2/11 Notice of Proposed 2-day Suspension;
8. Eastern District of Washington Giglio Policy;
9. ICE Table of Offenses & Penalties.

cc: Field Copy

ICE E&LR, Laguna Niguel, CA

### ACKNOWLEDGEMENT OF RECEIPT

Please sign this acknowledgement as evidence that you have received the cited letter. Your signature does not mean that you agree or disagree with its contents, and by signing, you do not forfeit any of the rights cited above. Your acknowledgement of receipt should be returned to the bearer of this notice.

I acknowledge receipt of the \_\_\_\_\_ Letter Proposing corrective action.  
(Date)

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness/Bearer's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosures: Designation of Representative Form  
Supporting Documents:

1. (b)(6),(b)(7)(C) Case Number (b)(6),(b)(7)(C) (with 19 exhibits);
2. Prior Employment Records and Background Check;
3. Documents regarding discrepancies in reporting damage to GOV;
4. Document related to misuse of government ammunition;
5. 3/1/12 Letter of Counseling;
6. 6/1/11 Letter of Reprimand;
7. 5/2/11 Notice of Proposed 2-day Suspension;
8. Eastern District of Washington Giglio Policy;
9. ICE Table of Offenses & Penalties.

cc: Employee  
ICE E&LR, Laguna Niguel, CA



**DESIGNATION OF REPRESENTATIVE  
AND AUTHORIZATION TO RELEASE INFORMATION**

I, \_\_\_\_\_ designate, \_\_\_\_\_, as my representative for the pending matter concerning \_\_\_\_\_. As my representative, (s)he is entitled and authorized to receive copies and or review all correspondence, documents and materials related to my case.

My representative's contact information (i.e. address, phone numbers, fax, etc.) is as follows:

---

---

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---

---

---

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Printed / Typed Name of Employee: \_\_\_\_\_

Witness/Bearer's signature: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Employee  
ICE E&LR, Laguna Niguel, CA

JUN 20 2013



**U.S. Immigration  
and Customs  
Enforcement**

(b)(6),(b)(7)(C)

Director of Legal and Policy Affairs  
American-Arab Anti-Discrimination Committee  
1990 M Street, NW, Suite 610  
Washington, D.C. 20036

Dear (b)(6),(b)(7)(C)

Thank you for your May 10, 2013, letter to Janet Napolitano, Secretary of Homeland Security. In your letter, you request an immediate investigation into the removal of a brother and sister of Syrian descent and request assurance that individuals of Syrian heritage are not treated differently simply because of their national origin. Your letter was referred to U.S. Immigration and Customs Enforcement (ICE) for response.

As your letter did not include identifying information regarding the subjects of your letter and privacy waiver forms authorizing disclosure to third parties (ICE FORM 60-001), signed by the individuals referenced in your letter, ICE is unable to provide to you any information regarding this matter. The Privacy Act of 1974, (5 U.S.C. § 552a), provides statutory privacy rights to U.S. citizens and lawful permanent residents. Although the Privacy Act only applies to U.S. citizens and lawful permanent residents of the United States, Department of Homeland Security (DHS) Privacy Policy Guidance Memorandum 2007-1 provides that any personally identifiable information that is collected, used, maintained, and/or disseminated in connection with a mixed system by DHS shall be treated as a system of records subject to the Privacy Act regardless of whether the information pertains to a U.S. citizen, lawful permanent resident, visitor, or alien. Accordingly, any DHS release of information about a citizen, permanent resident, visitor, or alien must comply with the Privacy Act's disclosure requirements.

Although I cannot provide specific information about the individuals you reference in your letter, I can assure you that in developing and implementing its enforcement policies and procedures, ICE makes every effort to handle these matters fairly, professionally, and in accordance with the law. Additionally, please note that DHS's Office for Civil Rights and Civil Liberties (CRCL) is reviewing this matter and will be in contact with you if they open an investigation into your allegations.

Sincerely,

(b)(6),(b)(7)(C)

Assistant Director for  
Diversity and Civil Rights

F

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. (b)(6),(b)(7)(C)

Event (b)(6),(b)(7)(C)

FINS #: (b)(6),(b)(7)(C)

Date: \_\_\_\_\_

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

(b)(6),(b)(7)(C)

(Full name of alien)

an alien who entered the United States at or near Unknown Place on \_\_\_\_\_  
(Port)

Unknown Date is within the country in violation of the immigration laws and is  
(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(b)(6),(b)(7)(C)

(Signature of Designated Immigration Officer)

*Acting Camp Supervisor*

(Print name of Designated Immigration Officer)

*A/C-S*

(Title)

Certificate of Service

Served by me at Bohemia, NJ on 10/20/13 at ASCO HHS.

I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

(b)(6),(b)(7)(C)

(Signature of officer serving warrant)

*Special Agent*

(Title of officer serving warrant)



# Case Summary Report

(b)(6),(b)(7)(C)

**Title:** (b)(6),(b)(7)(C) U.S. Immigration and Customs Enforcement (DHS); DHS Employee,  
Harrisonburg, VA

Date Rcd: 3/19/2014 Date Assigned: Date Opened: 3/19/2014 Date Closed:

Rcd Method: Public Website

Agent:

Agency:

PrimaryOffice:

Ref Agency:

Alleg Type: Civil Rights / Civil Liberties \ Other Civil Rights/Civil Liberties

Special: Yes Privacy: No Confidential: No Dollar Loss: \$0.00

Joint Agency:

Ref Cases: (b)(6),(b)(7)(C)

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## Case Summary Report

(b)(6),(b)(7)(C)

Comments: On Monday the 10th at 9:30 a.m. I was interviewed by an ICE officer as to the whereabouts of a fugitive of justice, who happens to be the brother of our family friends (b)(6),(b)(7)(C). (b)(6),(b)(7) I fully cooperated and disclosed that I had no knowledge of the whereabouts of her brother. (b)(6),(b)(7)(C) The next morning a new officer, of Hispanic origin, arrived at my home at 6 am, knocked on the door and as I began to open, pushed open the door and rushed in with about 8 other officers without asking my permission. This officer began to treat me in a very disrespectful manner, using inappropriate language, insulting me and my family, threatening, in front of my children, to deport me and jail my husband, who is a US Citizen, and send our kids to social services. He continued to harass me and my husband alternately until approximately 8:30 a.m., hanging handcuffs in our faces. I explained to him that I was in process of legalizing my migration status and offered to show paperwork that we had submitted to USCIS. He said 'those papers were worthless, he could tear them up and kick my ass out of the country whenever he felt like it.' He proceeded to take me outside, saying 'he had had enough and was taking me to jail'. and continued to treat me disrespectfully in front of all our neighbors. I continually told him that I had nothing to hide and was telling the complete truth. I asked for the officer's name and he refused it saying 'you don't need to know my name, now you work for me, you give me the information I am asking for and I won't throw you into jail.'

This traumatized my children and they cried for days not wanting to go to school for fear I wouldn't be there upon their return. Their teacher called me asking about what was happening to our girls as their attitudes were noticeably changed in school. They entered my house without permission or a warrant and used psychological violence, which is just as powerful as physical violence, to try and extort information for a case that I had absolutely nothing to do with. I feel that this psychological violence violated my civil rights and is inappropriate for an officer representing the United States of America, which is a great country, and deserves higher standards of respect and human dignity than what this officer has represented.

All of these actions were taken without having any reason to believe that I was hiding a fugitive of justice. My only 'crime' was being a friend of a family who happened to have a relative who did something illegal in a foreign land. Does ICE treat all friends of family members of fugitives of justice in this way? Are ICE officers allowed to enter and search my home without a warrant or my permission? Is being close friends of a family probable cause and give the ICE the right to use psychological violence and traumatize small children as a tool for extortion? Is asking me for my legal papers, which has nothing to do with the case and appears to clearly violate the constitutional order of law, and then using my status to extort and threaten me in the search for information about a third party, a legal practice? I believe these officers asked about my legal status because they had a premeditated intent to use this information to obtain under duress what they wanted. Are ICE officers allowed to do all of this in anonymity, refusing to identify themselves when asked, while showing no badges or form identification to establish their authority or identity? This clearly suggests a climate of impunity and unconstitutionality within the ICE agency and among its officers. I would encourage a review of agency tactics, which appear more suited for psychological torture and interrogation rather than gathering information from innocent and upstanding members of society. I hope that in the future ICE can figure out a way to carry out its mission without trampling upon the human rights and dignity of innocent bystanders in the process.

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# Case Summary Report

(b)(6),(b)(7)(C)

## People - Subjects

(b)(6),(b)(7)(C)

Home

Male

Aka:

SSN:

EOD:

POB:

State:

Zip:

DOB:

Address:

Company Name:

City:

State:

Zip:

DHS Emp: YES

DHS Exec: No

Phone: 5407 (b)(6),(b)(7)(C)

Email:

---

LNU, FNU

Work

Male

Aka:

SSN:

EOD:

POB:

State:

Zip:

DOB:

Address:

Company Name:

City:

State:

Zip:

DHS Emp: YES

DHS Exec: No

Phone:

Email:

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## Case Summary Report

(b)(6),(b)(7)(C)

### People - Complainants

(b)(6),(b)(7)(C)

Aka: Home  
SSN: EOD:  
POB: POB State:  
DOB:  
Address: Company:  
City: State: Zip:  
DHS Emp: No DHS Exec: No  
Phone:  
Email:

(b)(6),(b)(7)(C)

#### Work

Aka: SSN: EOD:  
POB: POB State:  
DOB:  
Address: (b)(6),(b)(7)(C) Company:  
City: harrisonburg State: VA Zip: 22801  
DHS Emp: No DHS Exec: No  
Phone: 5402 (b)(6),(b)(7)(C)  
Email:

### People - Witness

### People - Victims

### Violations

#### Case Dates:

|                     |                             |               |              |
|---------------------|-----------------------------|---------------|--------------|
| Received:           | 3/19/2014                   | Assigned:     | Reassigned:  |
| Prb Referral:       |                             | Retention:    | Acknowledged |
|                     |                             |               | :            |
| Incident Start:     | 3/11/2014<br>12:00:00<br>AM | Incident End: | Approx: No   |
| Police Report:      |                             | Police Rpt #: |              |
| Notified:           |                             | Reesponse:    | Referred:    |
| Investigation Comp: | 3/11/2014<br>12:00:00<br>AM | Closed:       |              |
| Prb Decision:       | 3/11/2014<br>12:00:00<br>AM | Reopened:     |              |

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## Case Summary Report

(b)(6),(b)(7)(C)

### Location

Airport:

Location:

City:

State:

Zip:

Facility:

FFDO Airline:

Investigation Loc:

Region:

Transport Mode:

### Notes

, Hotline Service

Note Type: Standard Case Note

Create Date: 3/19/2014

Note: Public website submitter indicated that the incident location was: In my home, (b)(6),(b)(7)(C)

Harrisonburg Va. 22801

, Hotline Service

Note Type: Standard Case Note

Create Date: 3/19/2014

Note: Public website submitter indicated that the duty status of subject was: On Duty

(b)(6),(b)(7)(C)

Note Type: Standard Case Note

Create Date: 3/20/2014

Note: This conversion request was rejected by (b)(6),(b)(7)(C) of the Washington, DC office on Mar 20 2014 5:11PM. Any questions regarding this rejection should be directed to above named either by phone at or email a (b)(6),(b)(7)(C)

### Technical

### Disposition - Criminal

### Dispositions - Civil

### Disposition - Admin

### MIR

### ROI / Referral

Case Type: Complaint

Referral Date: 3/19/2014

Response Date: 3/19/2014

Closed Date:

Action: Convert to Investigation

Agency Referred:

### Collaterals

### Uploaded Documents

Date Prepared:

Grand Jury: No

Doc Type:

Description:

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Volume: 1  
 Pages: 1-33  
 Exhibits: 2

## COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT DIVISION  
 OF THE TRIAL COURT

(b)(6)

\* \* \* \* \*

COMMONWEALTH OF MASSACHUSETTS

v.

Docket No.

(b)(6)

(b)(6)

Defendant

\* \* \* \* \*

MOTION TO SUPPRESS  
 BEFORE THE HONORABLE KEVIN J. FINNERTY  
 EXCERPT - TESTIMONY ONLY

## APPEARANCES:

For the Commonwealth:  
 Bristol District Attorney's Office  
 888 Purchase Street  
 New Bedford, MA 02740  
 By: Suzanne Renaud, Assistant District Attorney

For the Defendant:  
 Committee for Public Counsel Services  
 Public Defender Division, Fall River Office  
 1822 North Main Street, Suite 205  
 Fall River, MA 02720  
 By: (b)(6)

Fall River, Massachusetts  
 Courtroom No. 2  
 December 21, 2012

(b)(6) OCR; BARNSTABLE SUPERIOR COURT  
 (508) (b)(6) @jud.state.ma.us



## I N D E X

PAGE:

## WITNESS:

DIRECT

CROSS

REDIRECT

RECROSS

(b)(6),(b)(7)(C)

3

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14

35

59

52

62

71

## EXHIBITS:

1. Immigration detainer.

6

2. Administrative arrest warrant.

14

3. Photograph.

71

(b)(6)

OCR; BARNSTABLE SUPERIOR COURT

(508)

(b)(6)

@jud.state.ma.us

1 (Court in session.)  
2 (Defendant present.)  
3 (11:26 a.m.)

4 THE COURT: Okay. Are we all set on --

5 MS. (b)(6)

6 (b)(6),(b)(7)(C) Yes, your Honor.

7 THE COURT: Commonwealth?

8 (b)(6),(b)(7)(C) Your Honor, the Commonwealth calls (b)(6),(b)(7)(C)

9 (b)(6),(b)(7)(C)

10 THE COURT: Okay. Let's hold on till we get Mr. (b)(6) out  
11 in the courtroom.

12 (b)(6),(b)(7)(C) Oh, I'm sorry.

13 (Defendant present.)

14 THE CLERK: Raise your right hand, please.

15 (b)(6),(b)(7)(C) Sworn

16 THE WITNESS: I do.

17 THE CLERK: Please be seated.

18 THE COURT: All right. Attorney (b)(6),(b)(7)(C) you can inquire.

19 (b)(6),(b)(7)(C) Thank you, your Honor.

20 DIRECT EXAMINATION

21 BY (b)(6),(b)(7)(C)

22 Q Good morning. Can you state your name? And spell your  
23 last name, for the record?

24 A (b)(6),(b)(7)(C) My last name is spelled (b)(6),(b)(7)(C)

25 Q And where do you work?

A My field office is Boston, Massachusetts. My area of

(b)(6) OCR; BARNSTABLE SUPERIOR COURT  
(508) (b)(6) @jud.state.ma.us

1 responsibility is Bristol County, Cape and Islands.

2 Q And you work for the Immigration and -- I'm sorry. For  
3 ICE?

4 A Immigrations and Customs Enforcement. I'm in the gang  
5 unit.

6 Q How long have you been working for ICE?

7 A Fifteen years.

8 Q And you said you're in the gang unit?

9 A Correct.

10 Q What are your responsibilities as part of the gang unit?

11 A To investigate gang activity organizations and illegal  
12 activities; and also, of course, to remove gang members who are  
13 foreign born and have criminal convictions.

14 Q Now, I'm going to bring your attention to April of this  
15 year. Were you involved in any action regarding -- around gang  
16 members in the Fall River area?

17 A Yes, we were conducting a nationwide sweep of foreign born  
18 gang members with criminal histories.

19 MS. (b)(6) Objection, your Honor. Relevance.

20 THE COURT: Well, overruled. Go ahead.

21 Q And as a result of that, did the name of (b)(6) come  
22 before you?

23 A Yes, ma'am.

24 Q In what context?

25 A He was a member of an Asian Blood street gang. He had

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1 criminal convictions. He was not a citizen; nor was he likely  
2 to become one. He was amenable to deportation.

3 Q And when did you -- if you recall, when did you learn this  
4 information about Mr. (b)(6)

5 A Many months before, the Fall River Police Department had  
6 brought him to my attention.

7 Q Now, sometime in April of 2012, did the Fall River Police  
8 bring Mr. (b)(6) to your attention in some way?

9 A Yes.

10 Q In what way?

11 A We were conducting a gang sweep, and I requested their  
12 assistance in picking him and others up off the street.

13 Q So, who contacted whom? Did you call or contact Fall River  
14 Police, or did they contact you?

15 A I believe they contacted me many months before.

16 Q And -- and that was because they were also aware of his  
17 immigration status?

18 A I believe, initially, it was to check on his immigration  
19 status.

20 Q And that's when he became part of your awareness as well?

21 A Correct.

22 Q So, when -- in April of 2012, Mr. (b)(6) was part of the  
23 sweep that you described?

24 A Correct, ma'am.

25 Q And that was initiated by which department?

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1 A Department of Homeland Security.

2 Q And that's -- ICE is part of the Department of Homeland  
3 Security?

4 A Yes, ma'am.

5 Q I'm going to show you a document. Do you recognize what  
6 that is?

7 A It's a detainer, an immigration detainer.

8 Q And is that something that you prepare?

9 A No, it's prepared by a member of the -- the jail staff  
10 for -- for my benefit.

11 Q For your benefit. And when was that particular document  
12 prepared?

13 A April 18th, 2012.

14 Q And are you familiar with the document that's before you?  
15 Have you seen that before?

16 A I believe I have.

17 Q And was that prepared on April 18th of 2012?

18 A Correct, ma'am.

19 (b)(6),(b)(7)(C) The Commonwealth moves to admit this as  
20 Exhibit 1.

21 MS. (b)(6) No objection, your Honor.

22 THE COURT: All right. Exhibit No. 1.

23 (The immigration detainer is marked as Exhibit 1.)

24 (b)(6),(b)(7)(C) If I may have the exhibit afterwards?

25 Q Now, you stated that on -- on April 18th, did something

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1 happen with respect to Mr. (b)(6)

2 A We arrived at his apartment -- excuse me, his -- his home,  
3 a (b)(6) in Fall River, knocked on the  
4 door, announced our presence. Shortly thereafter, he came to  
5 the front door. I recognized him from a previous photo. I also  
6 asked him his name, and I asked permission to enter the  
7 apartment.

8 Q All right. Let me go back for a moment. Now, you stated  
9 that you were doing a sweep of suspected gang members; is that  
10 correct?

11 A Foreign born criminal gang members.

12 Q And in terms of those individuals -- once you learned their  
13 immigration status, was any paperwork prepared with respect to  
14 those particular individuals?

15 A Well, we send out for their A file, their alien file, which  
16 is everything about them since coming into the United States,  
17 and pretty much basically everything that the government knows  
18 about them. And that tells us the status of the -- the subject  
19 itself.

20 Q And after you learn their status as potentially being  
21 illegal, do you prepare any type of warrant or anything to pick  
22 them up?

23 A No, ma'am.

24 Q Why not?

25 A If someone is in illegal status, there is an administrative

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1 warrant for them. It's not --- it doesn't have to be created.  
2 Anyone that's in illegal status can be arrested by any ICE agent  
3 anywhere, at any time.

4 Q Now, on April 18th, did you do -- you did something with  
5 respect to arresting the Defendant?

6 A Correct.

7 Q And you contacted the Fall River Police?

8 A Fall River Police Department were with me during the  
9 arrest.

10 Q You -- who contacted whom to effect the arrest (inaudible)?

11 A I contacted Fall River Police, as I always do when we're  
12 working in that area, and requested that they assist us.

13 Q And that was to act on the administrative warrant that you  
14 had?

15 A Correct, ma'am.

16 Q Which was not a written warrant; is that correct?

17 A Not a written warrant.

18 Q So, around 6:30 a.m., did you go to execute that warrant?

19 A Yes, ma'am.

20 Q And you stated that you went to 220 -- (b)(6)

21 (b)(6)

22 A Correct.

23 Q And what were you wearing?

24 A I was wearing a -- an ICE raid jacket that said "ICE"  
25 across it prominently; and on the back, along with "Police." I

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1 had a badge hanging around my neck that said "Police" and "ICE."

2 Q And Fall River police officers, how many were with you?

3 A Five.

4 Q And were they in full uniform at the time?

5 A Yes, ma'am.

6 Q So, you said that you went to (b)(6) Did  
7 you knock on the door?

8 A I did.

9 Q And who answered the door?

10 A Mr. (b)(6)

11 Q And is that the individual who's sitting at counsel table  
12 wearing the white shirt?

13 A Yes, ma'am.

14 THE COURT: All right. The record will reflect that the  
15 witness has identified Mr. (b)(6) the Defendant.

16 Q How did you know it was Mr. (b)(6) at the time?

17 A I had a picture of him from previous, and I also asked him.  
18 I said, "You're (b)(6)"

19 He said, "Yes."

20 Q And you had an opportunity to speak with him when you first  
21 knocked on the door?

22 A Correct.

23 Q Did you tell him why you were there?

24 A Yes.

25 Q What did you tell him?

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1 A I said, "We need to talk to you about your immigration  
2 status." I asked permission to enter his apartment. He stepped  
3 away from the door, opened up the door and stood about five feet  
4 away.

5 Q And did you have a conversation with him?

6 A Yes.

7 Q And what was the nature of that conversation?

8 A I wanted to insure that he was in illegal status. He  
9 admitted he was here illegally; he had not been in the military,  
10 which might have led to his citizenship; his parents were not  
11 citizens, which may have allowed him to derive citizenship.  
12 Basically just making sure that we have the right man, and we're  
13 bringing him in for the right reason.

14 Q And so, you were having that conversation with him inside  
15 of the apartment?

16 A Correct.

17 Q While you were doing that, were you aware of what the Fall  
18 River police officers were doing?

19 A According to SOP, they were doing a protective sweep of the  
20 premises.

21 Q And SOP is Standard Operating Procedure?

22 A Yes, ma'am.

23 Q Whose SOP is that?

24 A Pretty much everyone that I know, ma'am.

25 Q And a protective sweep means going through the apartment?

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1 A Making sure there's not an armed individual hidden  
2 somewhere.

3 MS. (b)(6) Objection, your Honor. It's a characterization.

4 THE COURT: Well, no. Overruled. He's -- overruled. Go  
5 ahead, Miss Renaud.

6 Q Now, are you aware if anything was found during that  
7 protective sweep?

8 A Some narcotics were found in the -- the bathroom, and along  
9 with some cash.

10 Q And do you know if those were hidden in any way?

11 A I believe they were out in plain sight.

12 Q After those items were seen in plain sight, was there any  
13 different (sic) -- additional conversation with the Defendant  
14 regarding searching the apartment?

15 A Corporeal Cabral read everyone their -- their rights, and  
16 then I requested a -- permission to search the apartment.

17 Q And to your knowledge, was that permission granted?

18 A Yes, it was.

19 Q Who was it granted by?

20 A Mr. (b)(6) and his girlfriend. I believe her name is (b)(6)  
21 (phonetic), (b)(6)

22 Q Now, the document that I showed you earlier as Exhibit 1,  
23 was this prepared before or after the -- the sweep -- the going  
24 into the Defendant's apartment, to the best of your  
25 recollection?

1 A This was prepared after he was arrested.

2 Q And was that prepared as a result of him being arrested?

3 A Correct.

4 Q He was arrested on -- around 6:30 a.m. on April 18th; is

5 that correct?

6 A Yes, ma'am.

7 Q And did you take him into custody for ICE purposes?

8 A No, the locals took him in for the narcotics charge.

9 Q Was there any kind of detainer lodged on the Defendant, to

10 your knowledge?

11 A The one sitting in front of me right here, ma'am.

12 Q And that was prepared that day?

13 A Yes, it was.

14 Q As a detainer?

15 A Yes.

16 Q What's the purpose of a detainer?

17 A It directs the -- the holding agency that this man is

18 facing immigration charges; and that if he is released, he comes

19 into our custody.

20 Q But prior to that detainer being issued, was there already

21 an administrative warrant for the Defendant?

22 A Not a written one, no.

23 Q But was there some kind of administrative warrant that

24 was -- that -- that you were aware of?

25 A In -- in the legal sense, yes. If he's illegal, and he's

1 amendable to deportation, an administrative warrant exists for  
2 him. He is subject to arrest.

3 Q Now, did you ever share with the Fall River Police any kind  
4 of piece of paper telling them that he was subject to arrest by  
5 ICE prior to going to his apartment --

6 A No, ma'am.

7 Q -- on April -- no? Did you tell them what the purpose of  
8 you coming in to go to the Defendant's apartment was?

9 A Yes, ma'am.

10 Q And what did you tell them it was?

11 A We have a -- we're going to arrest Mr. (b)(6) for being a  
12 gang banger with a criminal history, who is foreign born and  
13 amenable to deportation.

14 Q Now, during this time, you said that there was a -- an  
15 action ongoing in -- on or around April of 2012. Did you  
16 contact the Fall River Police for other individuals under the  
17 same auspices?

18 A Yes, I believe I did.

19 Q Now, I'm going to show you another document. Do you  
20 recognize that document?

21 A That is an administrative arrest warrant for Mr. (b)(6)

22 Q And what's the date on that?

23 A July 30th, 2012.

24 Q And that was after he was arrested?

25 A Correct.

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1 Q Is that type of document required to be produced prior to  
2 going in and arresting somebody for their immigration status?

3 A No, ma'am.

4 Q Or seizing somebody for their immigration status?

5 A No, ma'am.

6 Q Do you know why that particular document was produced in  
7 this case?

8 A Well, initially, Mr. (b)(6) was taken in by the local  
9 authorities and held. When he was transferred to our -- our --  
10 our custody, the paperwork was done on him, putting him into  
11 proceedings. And this is one piece of paper that is -- that is  
12 filled out.

13 (b)(6),(b)(7)(C) The Commonwealth moves to admit this as  
14 Exhibit 2.

15 THE COURT: All right. Any objection?

16 MS. (b)(6) No objection, your Honor.

17 THE COURT: All right. Exhibit No. 2.

18 (The administrative arrest warrant is marked as Exhibit 2.)

19 (b)(6),(b)(7)(C) Nothing further for this witness.

20 THE COURT: Okay. Attorney (b)(6)

21 CROSS-EXAMINATION

22 BY MS. (b)(6)

23 Q Good morning, sir.

24 A Good morning, ma'am.

25 Q Agent Sinnott. At 6:30 a.m. on April 18th, you went to

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1 (b)(6)

2 A Correct, ma'am.

3 Q You never confirmed with the post office that Mr. (b)(6)

4 resided at this address?

5 A Correct.

6 Q You never checked persons on the lease?

7 A No, ma'am.

8 Q You never checked utilities?

9 A No, ma'am.

10 Q Never spoke with the landlord?

11 A No, ma'am.

12 Q Never spoke with neighbors?

13 A No, ma'am.

14 Q And -- and you testified you were accompanied by the Fall

15 River Police Department vice and intelligence unit?

16 A Yes, ma'am.

17 Q And in total, there were eight law enforcement agents?

18 A That sounds about right, ma'am.

19 Q And that was Detective (b)(6),(b)(7)(C)

20 A Yes, ma'am.

21 Q Detective (b)(6),(b)(7)(C)

22 A Yes, ma'am.

23 Q Detective (b)(6),(b)(7)(C)

24 A Yes, ma'am.

25 Q Detective (b)(6),(b)(7)(C)

1 A Yes, ma'am.

2 Q Detective (b)(6),(b)(7)(C)

3 A Yes, ma'am.

4 Q Agent (b)(6),(b)(7)(C)

5 A Yes, ma'am.

6 Q And yourself?

7 A Yes.

8 Q And the purpose of going to (b)(6) was to

9 take Mr. (b)(6) into custody?

10 A Correct.

11 Q And the police report states that you were the agent armed

12 with the administrative warrant for Mr. (b)(6)

13 A Yes.

14 Q You never took out a criminal arrest warrant?

15 A No.

16 Q You never had a search warrant?

17 A No.

18 Q And you knocked on the door?

19 A Correct.

20 Q Announced your presence?

21 A Correct.

22 Q And what specifically did you state? What specifically did

23 you say when you announced your presence?

24 A "Police. Police. I need you to open the door."

25 Q Did you state that you were with eight law enforcement

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1 agents?

2 A No, I did not.

3 Q Did you state that you were with one other agent?

4 A I did not.

5 Q And was your weapon drawn?

6 A No.

7 Q Did you have a weapon?

8 A Yes.

9 Q And where was that weapon?

10 A On my right hip.

11 Q And were the other detectives -- did they have weapons?

12 A Yes, ma'am.

13 Q Were those drawn?

14 A No, ma'am.

15 Q And you stated that you -- you were wearing a jacket with a  
16 badge and identified yourself?

17 A Working a raid jacket and a badge around my neck.

18 Q Were you wearing a bulletproof vest?

19 THE COURT: What's the relevance of that question?

20 MS. (b)(6) It sort of goes to the purpose of --

21 THE COURT: Well, I'm going to sustain -- I'm not going to  
22 require the witness to answer that question. That's not really  
23 relevant to --

24 MS. (b)(6) Could I approach, your Honor?

25 THE COURT: Sure. Come on up.

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1 (Side bar proceedings:)

2 THE COURT: I mean, a police officer's -- a police  
3 officer's decision to wear or not wear a vest is -- I mean, it's  
4 (inaudible) protection. Some people wear it.

5 MS. (b)(6) It goes to their -- (inaudible) their reasonable  
6 belief that this person or others in the home were armed and  
7 dangerous.

8 THE COURT: No, I'm not going to allow that question.

9 (End of side bar.)

10 BY MS. (b)(6)

11 Q Did detectives cover all the doors to the apartment?

12 A There was only one door, ma'am.

13 Q And -- and so, as you're standing on the other side of the  
14 door into the apartment, are the other detectives and agents  
15 standing directly behind you?

16 A Yes, ma'am.

17 Q And Mr. (b)(6) opened the door?

18 A Correct.

19 Q And you stepped into the apartment?

20 A After he invited me inside. Yes, ma'am.

21 Q Well, I'm going to go back for a second. You testified on  
22 Direct that he -- that you had asked permission to enter the  
23 apartment?

24 A Correct.

25 Q And then you testified that you told him to step out of the

1 way?

2 A I did not.

3 Q I thought -- I may have been mistaken. I thought that was  
4 your -- so, let me -- let's go back, then. You asked him for  
5 permission?

6 A Yes, ma'am.

7 Q And then what happened?

8 A He opened the door up wide, stepped back about three, four,  
9 five feet and waved us in.

10 Q Did he ever actually verbally give you his consent for you  
11 to come into the apartment?

12 A I don't believe so.

13 Q And so, when you stepped in, it was -- everyone stepped  
14 through the doorway?

15 A Correct.

16 Q And now you were in the -- the living/kitchen area?

17 A The living room, yes.

18 Q And you worked with Detective Cabral in this case, correct?

19 A Correct.

20 Q Did you have an opportunity to -- to read his police  
21 report?

22 A Yes, I did.

23 Q And, in fact, in his report, he writes that you knocked --  
24 you knocked on the door? The door was opened by Mr. -- I want  
25 to just make sure I'm reading this exactly.



1 (b)(6),(b)(7)(C) Your Honor, objection to the form of this  
2 question.

3 THE COURT: Well, I'm -- we don't have the -- we don't have  
4 the question yet.

5 (b)(6),(b)(7)(C) Okay.

6 THE COURT: So, let's --

7 Q Detective Cabral writes, "Agent (b)(6),(b)(7)(C) knocked on the door  
8 and announced his presence." Is that correct?

9 A Yes, ma'am.

10 Q "After a few minutes, the door was opened by (b)(6),(b)(7)(C) Is  
11 that correct?

12 A Yes, ma'am.

13 Q "We stepped into the apartment." Is that correct?

14 A Yes, ma'am.

15 Q But your testimony here today is that you -- in between  
16 there, you asked for permission to enter?

17 A Yes, ma'am.

18 Q Once you stepped into the apartment, the police report  
19 states that you explained the situation to Mr. (b)(6) Could you  
20 tell me again what you said to Mr. (b)(6) at that time?

21 A I explained to him he was being taken into custody for  
22 immigration purposes. He would be processed. He'll have an  
23 opportunity to contact his own lawyer, if he needs to. He'll be  
24 allowed to make a phone call, if he needs to; and basically what  
25 the logistics of the rest of the day would be.

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1 Q And at that point, you grabbed him and handcuffed him,  
2 correct?

3 A He was placed in handcuffs.

4 Q And -- and did you show him any paperwork at that time?

5 A No, I did not.

6 Q And did you show him -- and you didn't show him an  
7 administrative warrant at that time either?

8 A No.

9 Q And so, while you were handcuff -- cuffing Mr. (b)(6) the  
10 other seven law enforcement personnel began to search the  
11 apartment?

12 A The Fall River detectives did.

13 Q And where was Mr. (b)(6) when he was being handcuffed?

14 A By the couch in the living room, if I remember correctly.

15 Q And after you placed him in handcuffs, where was he placed?

16 A I believe we sat him down on the couch.

17 Q And at that point, Fall River Police Department began  
18 searching for drugs and other contraband?

19 A Probably before that. And ma'am, they weren't searching.  
20 They were -- they were conducting a protective sweep.

21 Q And so, while this was happening, he was in handcuffs?

22 A Yes, ma'am.

23 Q He was secured?

24 A Uh-huh.

25 Q And he was the individual that you had -- came to take into

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1 custody at that residence?

2 A Yes, ma'am.

3 Q And the only reason for going to the apartment was to take  
4 him into custody?

5 A Correct.

6 Q To apprehend him? And he was searched?

7 A Yes, ma'am.

8 Q He was not armed?

9 A He was not armed.

10 Q And your vehicle was just outside the apartment, correct?

11 (b)(6),(b)(7)(C) Objection. Relevance.

12 THE COURT: Overruled.

13 A I believe I was riding along with one of the Fall River  
14 detectives that day.

15 Q I'm sorry. Can you repeat that? I'm sorry.

16 A I believe I was riding with one of the Fall River  
17 detectives that day.

18 Q But their vehicles were outside?

19 A Ma'am, I don't remember where we parked that day, but I'm  
20 sure it was in close proximity to the apartment.

21 Q And it was Detective Felandes who located what he believed  
22 to be cocaine?

23 (b)(6),(b)(7)(C) Objection, your Honor. This is getting beyond  
24 the scope of the motion. The motion is only about the  
25 administrative search and not what was found once the search was



1 conducted.

2 THE COURT: Well, no. I thought it was a motion to  
3 suppress the -- the evidence, wasn't it?

4 (b)(6),(b)(7)(C) I think it's based on the fact that this --  
5 that the administrative warrant was not a sufficient warrant.

6 (b)(6),(b)(7)(C) That's only one aspect, your Honor.

7 It was my understanding that that was the --  
8 the scope of the -- the motion, your Honor, especially looking  
9 at the affidavit that appears to be --

10 THE COURT: No, it's a warrant -- a warrant -- a  
11 warrantless entry and search of the Defendant's home. So, it's  
12 whatever -- whatever followed the entry and search of the home.  
13 So, no, it's -- it's relevant.

14 (b)(6),(b)(7)(C) Thank you. Okay.

15 BY MS. (b)(6)

16 Q Let me -- it was one of the Fall River police detectives  
17 that located the cocaine in the bathroom?

18 A Yes.

19 Q And Detective Felandes then brought the suspected cocaine  
20 back to where you and Mr. (b)(6) were situated?

21 A No, ma'am.

22 Q And could you tell me how -- do you -- do you recall the  
23 cocaine being found?

24 A Yes, ma'am.

25 Q Do you -- do you recall Mr. -- Detective (b)(6),(b)(7)(C) showing

1 this contraband to Mr. (b)(6)

2 A No, ma'am, I don't.

3 Q And do you remember that he was asked questions about the  
4 substance?

5 A Yes, ma'am.

6 Q And what do you recall him being asked?

7 A He confirmed that the narcotics were his, and for his  
8 personal use.

9 Q And according to the police report, it was after he had  
10 answered these questions about the -- about the suspected  
11 cocaine that everyone was read their Miranda rights; is that  
12 correct?

13 A That sounds right, ma'am.

14 Q And at some point in this -- during this search or  
15 incident, Mr. (b)(6) girlfriend came out of the bedroom?

16 A Correct.

17 Q And she was in the living room, once she came out?

18 A Yeah, she entered the living room. Yes, ma'am.

19 Q As was another individual, her brother, (b)(6)

20 A Yes, ma'am.

21 Q And it was Detective (b)(6)(b)(7)(C) I believe you said, that asked  
22 Mr. (b)(6) if he would consent to a search of the apartment?

23 A Mr. (b)(6) (sic) and his girlfriend.

24 Q And at that time, Mr. (b)(6) and his girlfriend spoke to one  
25 another in a different language?

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1 A Yes.

2 Q And -- and then, what was the response?

3 A They gave permission to search the apartment.

4 Q And how long would you say you were in -- in the home of  
5 Mr. (b)(6)

6 A Less than an hour.

7 Q And at what point was Mr. (b)(6) removed from the home?

8 A At the end of that hour.

9 Q An administrative warrant is a document issued by a  
10 designated ICE official, correct?

11 A Correct.

12 Q And it's purporting to document the authority of an ICE  
13 agent to take into custody a person suspected of violating  
14 immigration laws?

15 A That's pretty much it.

16 Q And the statute that outlines this authority is 8 U.S.C. §  
17 1357?

18 A I -- I don't know, ma'am.

19 Q But you're aware that's a statute (inaudible)?

20 A I am aware there's a statute.

21 Q Are you aware that the regulation that sort of outlines  
22 this authority is 8 C.F.R. § 287.5?

23 MS. (b)(6) Your Honor, he's being requested to answer legal  
24 questions.

25 THE COURT: No, just asking if he's aware of a regulation

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1 related to that statute.

2 THE WITNESS: I am now, sir.

3 Q I'm sorry. You said not aware?

4 A I am aware.

5 Q Oh, "am aware." Under the statute, do you qualify as one  
6 of these designated ICE officials?

7 A (Inaudible.)

8 Q And these administrative warrants are not issued by a state  
9 judge?

10 A No.

11 Q Not issued by a magistrate of the state court?

12 A No.

13 Q Not issued by a federal judge?

14 A No.

15 Q Or even a federal magistrate?

16 A They're signed by a group supervisor.

17 Q Say it again?

18 A They're signed by a member of management, a group  
19 supervisor usually.

20 Q And you said you're familiar with the regulation that I  
21 asked you, correct?

22 A Yes, ma'am.

23 Q And according to these regulations, these administrative  
24 warrants do not give ICE officials authority to enter a place  
25 where there is reasonable expectation of privacy?

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1 A I believe it's forcefully enter a place.

2 MS. (b)(6) If I could just have a moment, your Honor?

3 THE COURT: Sure. Yeah, of course. Yes, Attorney (b)(6),(b)(7)(C)

4 (b)(6),(b)(7)(C) Your Honor, I think I would move to strike  
5 this line of questions, because the -- the -- I don't think  
6 there's any basis that the regulations in question contain any  
7 information regarding entering a place regarding a -- a place of  
8 a pers -- with an expectation of privacy.

9 It's not listed in the regulations, which was the question  
10 that was presented to the witness. Forcibly or otherwise, it's  
11 not in the regulations.

12 THE COURT: Okay. Well ---

13 MS. (b)(6) Your Honor --

14 THE COURT: That's --

15 MS. (b)(6) I'm -- I have no more -- I have no more  
16 questions at this time anyways.

17 THE COURT: Okay. Do you have any further questions,  
18 Attorney (b)(6),(b)(7)(C)

19 (b)(6),(b)(7)(C) I do, your Honor.

20 REDIRECT EXAMINATION

21 BY (b)(6),(b)(7)(C)

22 Q Just to reiterate, you've executed administrative warrants  
23 in the past?

24 A Many times.

25 Q And is there always something that is written that you

(b)(6) OCR; BARNSTABLE SUPERIOR COURT  
(508) (b)(6) @jud.state.ma.us

1 have? Or is there sometimes something you just -- you have  
2 knowledge of?

3 A Knowledge of, ma'am.

4 Q But it's something that management has signed off on in  
5 some way?

6 A They've given us the approval.

7 Q And --

8 A Usually verbal.

9 Q So, you have approval from somebody else?

10 A Of course.

11 Q And did you have approval on this case --

12 A Yes, ma'am.

13 Q -- to execute an administrative warrant? Now, you have --  
14 in the course of your duties, have you -- have you executed  
15 administrative warrants, written down or otherwise, inside  
16 individual's homes?

17 A Could you rephrase that question, ma'am?

18 Q Have you gone to individual's homes to execute a warrant?

19 A Many times.

20 Q And on your powers and authority as an ICE agent, do you  
21 have an -- do you have the authority to execute an  
22 administrative warrant in any location?

23 A Yes, ma'am.

24 Q And that includes somebody's home?

25 A Yes, ma'am.

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1 Q And in this case, did you as that -- as a result of that  
2 authority, do you need somebody's permission to enter a home?  
3 A Yes, ma'am, we do.  
4 Q You do? And in this case, did you believe you had that  
5 permission?  
6 A Yes, ma'am.  
7 Q How did you believe that you had that permission?  
8 A He opened the door wide, and he gestured us inside --  
9 Q And was this --  
10 A -- and stepped away from the door.  
11 Q Was this after you explained why you were there?  
12 A Yes.  
13 Q And how wide was the door beforehand before he gestured you  
14 in?  
15 A One foot, to completely open.  
16 Q Was it visible from that vantage point, in your  
17 observation, to see the number of people who were outside of the  
18 door?  
19 A Yes, ma'am.  
20 Q At any point, did he stop anybody from entering?  
21 A No, ma'am.  
22 Q And when you say he gestured you in, what do you mean?  
23 A He waved us in, waved us in with his arm.  
24 Q So, there was a large sweeping gesture --  
25 A Yes, ma'am.

1 Q -- for you to come in? And this was after you had actually  
2 spoken with him?

3 A Yes, ma'am.

4 Q And you did ask for permission to enter?

5 A Yes, ma'am.

6 Q Now, with respect to the protective sweep, did that  
7 commence before or after you put the handcuffs on the Defendant?

8 A Before.

9 Q And -- and the purpose of a protective is what again?

10 A To make sure there's not an armed individual lurking  
11 somewhere in a closet or under a bed.

12 Q Now, in your information you had on this Defendant, you had  
13 information regarding his gang activity?

14 A Yes.

15 Q Did you have any information on him regarding any kind of  
16 violent behavior in the past as well?

17 A Not -- not anything specific, ma'am.

18 Q Just the gang activity?

19 A The gang activity and his criminal record.

20 Q And based on your training and experience, is there a need  
21 to do a protective sweep when somebody has some kind of gang  
22 activity?

23 A Absolutely, ma'am.

24 Q And why -- why so?

25 A The dangers to the officers present and other people in the

1 presence.

2 (b)(6),(b)(7)(C) Nothing further.

3 THE COURT: All right. Attorney (b)(6) any further  
4 questions for the witness?

5 MS. (b)(6) Nothing further, your Honor.

6 THE COURT: Okay. Thank you. You're excused. Thanks very  
7 much.

8 THE WITNESS: Thank you, sir.

9 (b)(6),(b)(7)(C) Your Honor, I think given the nature of the --  
10 of the motion, it was my understanding it was based on the  
11 warrantless versus a warranted search until the clarification.

12 THE COURT: Yeah, I think --

13 (b)(6),(b)(7)(C) I think that we do need to call Officer -- or  
14 Detective John Cabral.

15 THE COURT: Right.

16 (b)(6),(b)(7)(C) He is -- I just was in contact with him. He  
17 asked that we postpone this to 2:00 o'clock, if possible.

18 THE COURT: That's fine.

19 (b)(6),(b)(7)(C) Otherwise, he -- he is in the middle of  
20 executing a search warrant at the moment.

21 THE COURT: Okay.

22 (b)(6),(b)(7)(C) So, I was wondering if it may be possible to  
23 get a further date to have him come in instead? I don't know --

24 THE COURT: Do you need a further --

25 (b)(6),(b)(7)(C) He can come in, if necessary.

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1 THE COURT: You can't be here at 2:00 o'clock?

2 MS. (b)(6) Your Honor, I -- I have a doctor's appointment  
3 that's actually --

4 THE COURT: We'll do it another -- we'll suspend, and we'll  
5 schedule it for another date.

6 (Colloquy regarding scheduling.)

7 (The hearing concluded at 12:02 p.m.)  
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(b)(6) OCR; BARNSTABLE SUPERIOR COURT  
(508) (b)(6) @jud.state.ma.us

# Case Summary Report

(b)(6),(b)(7)(C)

**Title:** Unknown, U.S. Immigration and Customs Enforcement (DHS), Homestead, FL

Date Rcd: 6/10/2014 Date Assigned: Date Opened: 6/10/2014 Date Closed:

Rcd Method: Public Website

Agent:

Agency:

PrimaryOffice:

Ref Agency:

Alleg Type: Civil Rights / Civil Liberties \ Other Civil Rights/Civil Liberties

Special: No Privacy: No Confidential: No Dollar Loss: \$0.00

Joint Agency:

Ref Cases: (b)(6),(b)(7)(C)

Comments: My home was invaded by ICE' SWAT team at 6:16 am today (for someone/something no longer present). I sleep in the nude and was forced to the ground. I requested several times to be covered and was refused. I requested ID several times and the agent became belligerent and threatening when I refused to accept his outfit as ID (he ran his hand up & down his SWAT style outfit and stated isn't this ID enough? to which I replied "I can buy that up in Miami). Our neighborhood has had several home invasions by groups posing as police so I was very skeptical. While on the ground, my boyfriend witnessed the agent eying my naked body up and down (to the extent his body and head were moving) while his rifle was aimed at my back. They put plastic ties on our hands, mine were so tight my hands went numb, later when the SA went to cut the ties off my hands she commented that they were too tight and said "why did he put them so tight?" Additionally, in excess of necessity, they destroyed an expensive statue in my front yard and shattered my clear glass shower doors (in addition to the damaged floors & door jams) They also unhooked the DVR to my security system and threw it on the floor because they "couldn't be recorded"

I wish to file a formal complaint and I will be seeking compensation for damages as well as humiliation, sexual misconduct and abuse of force.

--  
Public website submitter indicated that the incident location was (b)(6),(b)(7)(C) Homestead, FL 33033

## People - Subjects

### Institution

Aka:

SSN:

EOD:

POB:

State:

Zip: 33172

DOB:

(b)(6),(b)(7)(C)

Address:

Company Name:

City: Miami

State: FL Zip: 33172

DHS Emp: NO

DHS Exec: No

Phone: 3055 (b)(6),(b)(7)(C)

Email:

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# Case Summary Report

(b)(6),(b)(7)(C)

## People - Complainants

(b)(6),(b)(7)(C)

Aka: Home  
SSN: EOD:  
POB: POB State:  
DOB:  
Address: (b)(6),(b)(7)(C) Company: none  
City: Homestead State: FL Zip: 33033  
DHS Emp: No  
Phone: 7865 (b)(6),(b)(7)(C)  
Email: (b)(6),(b)(7)(C)  
DHS Exec: No

Edwards, Kari Work  
Aka: SSN: EOD:  
POB: POB State:  
DOB:  
Address: Company: none  
City: State: Zip:  
DHS Emp: No  
Phone: DHS Exec: No  
Email:

## People - Witness

## People - Victims

## Violations

### Case Dates:

|                     |                             |               |              |
|---------------------|-----------------------------|---------------|--------------|
| Received:           | 6/10/2014                   | Assigned:     | Reassigned:  |
| Prb Referral:       |                             | Retention:    | Acknowledged |
|                     |                             |               | :            |
| Incident Start:     | 6/10/2014<br>12:00:00<br>AM | Incident End: | Approx: No   |
| Police Report:      |                             | Police Rpt #: |              |
| Notified:           |                             | Reesponse:    | Referred:    |
| Investigation Comp: | 6/10/2014<br>12:00:00<br>AM | Closed:       |              |
| Prb Decision:       | 6/10/2014<br>12:00:00<br>AM | Reopened:     |              |

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# Case Summary Report

(b)(6),(b)(7)(C)

## Location

Airport: Location:  
City: Homestead State: FL Zip: 33033  
Facility: FFDO Airline:  
Investigation Loc: Region:  
Transport Mode:

## Technical

### Disposition - Criminal

### Dispositions - Civil

### Disposition - Admin

## MIR

## ROI / Referral

Case Type: Complaint Referral Date: 6/10/2014 Response Date: 6/10/2014 Closed Date:  
Action: Convert to Investigation Agency Referred:

## Collaterals

## Uploaded Documents

Date Prepared: Grand Jury: No  
Doc Type:  
Description:

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From: (b)(6)  
To: CRCL  
Subject: FW: UAW letter alleging CR violations  
Date: Tuesday, July 26, 2011 3:28:36 PM  
Attachments: Detroit AIR Allegations and Findings 07.08.11.docx

---

Yesterday I received the email thread below with attachment within Compliance as background info for the UAW letter re ICE and CBP.

Please log this in as supplemental to that UAW Contact. CRCL does not have the ICE OPR ROIs on the matters described in the attachment.

Thanks,

(b)(6)  
202-357-(b)(6)  
(b)(6)@hq.dhs.gov

---

From: (b)(6),(b)(7)(C)  
Sent: Monday, July 18, 2011 12:20 PM  
To: (b)(6),(b)(7)(C)  
Subject: RE: UAW letter alleging CR violations

(b)(6),(b)(7)(C) H (b)(6) I believe (b)(6) is on AL this week. As I mentioned last week we are set to respond back to the Detroit NGOs on the Hope Academy incident and several other allegations – many of which are in the letter. Here is the OPR/ERO review of those incidents – the attached document will be serving as our TPs where (b)(6) and I do the VTC NGO meeting this Friday 7/22. Perhaps it best to state that we take all allegation seriously, investigate properly, and have been conducting on-going engagement with the Detroit NGOs. We can state that those allegations contained in the letter that our new to us will be likewise investigated. Although – we have to note that privacy protections don't allow us to reveal too much.

(b)(6),(b)(7)(C)  
Senior Public Engagement Officer  
Office of State, Local and Tribal Coordination  
U.S. Immigration and Customs Enforcement  
202.7 (b)(6), Direct  
202.4 (b)(7) BlackBerry  
202.4 (C) Cell

General Inquiries (b)(6),(b)(7)(C)  
Personal E-mail: (b)(6),(b)(7)(C)

---

From: (b)(6),(b)(7)(C)  
Sent: Monday, July 18, 2011 12:13 PM  
To: (b)(6),(b)(7)(C)  
Subject: FW: UAW letter alleging CR violations

(b)(6),(b)(7)(C)

Hey [redacted] and [redacted]

(b)(5)

Thanks,

(b)(6),(b)(7)(C)

[redacted]

Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-[redacted]  
[redacted]@dhs.gov  
<http://www.dhs.gov/crcl>



Homeland  
Security



From: (b)(6)  
To: (b)(6)  
Cc: [CRCL Compliance](#)  
Subject: FW: Request for alien number search  
Date: Tuesday, August 13, 2013 3:00:44 PM

---

Hi (b)(6)

For the new Contact on (b)(6) that (b)(6) gave you last Thursday to complete the routing sheet/log-in process, can you please print and upload this entire email thread from ERO as a supplemental record and include relevant information from ICE in the *Notes* section of the routing sheet?

Non Responsive

Non Responsive so I can't immediately retrieve the EARM records for Mr. (b)(6).  
Once I save those records on the shared drive, I'll let you know.

Thanks,

(b)(6)

202-357 (b)(6)

(b)(6) [@hq.dhs.gov](#)

---

From: (b)(6), (b)(7)(C)  
Sent: Tuesday, August 13, 2013 2:24 PM  
To: (b)(6)  
Cc: ERO CRCL  
Subject: FW: Request for alien number search

Hi (b)(6)

Your inquiry has been referred to me. Mr. (b)(6) was encountered by an ICE Fugitive Operations Team on 7/24/13 during the execution of an administrative warrant at an address in Norcross, GA where intelligence indicated an immigration fugitive was hiding. During the encounter of Mr. (b)(6) ICE officers conducted immigration records checks which identified Mr. (b)(6) as a Mexican citizen who entered the United States on or about 11/13/1997 as a Lawful Permanent Resident (LPR). Mr. (b)(6) is not a naturalized U.S. citizen. Records checks also produced criminal convictions for Mr. (b)(6) on charges of Domestic Violence on 9/23/1999 and for 1<sup>st</sup> Degree Felony Arson on 5/28/09. He was arrested by ICE as a result of his criminal history.

Mr. (b)(6) has been placed into removal proceedings on the following charges:

**Section 237(a)(2)(A)(ii)** of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct. Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(F) of the Act, a crime of violence (as defined in

section 16 of Title 18, United States Code, but not including a purely political offense) for which the term of imprisonment ordered is at least one year.

**Section 237(a)(2)(E)(i)** of the Immigration and Nationality Act, as amended, in that you are an alien who at any time after entry has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment.

He is being kept in ICE custody as an Aggravated Felon. He will appear before an immigration judge for an initial hearing on 8/14/13.

If you have any further questions, feel free to contact me.

Thanks,

(b)(6),(b)(7)  
(C)

(b)(6),(b)(7)(C)

(A) Chief, Information Disclosure  
Office of Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
500 12th Street SW (b)(6),(b)(7)(C)  
Washington, DC 20024

202-73 (b)(6), (O)  
202-27 (b)(7) (BB)  
(C)

(b)(6),(b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Wednesday, August 07, 2013 10:03 AM  
**To:** ERO CRCL  
**Cc:** CRCLCompliance  
**Subject:** Request for alien number search

Dear ERO,

This is to request that you determine the alien number and any another applicable information you can share with CRCL regarding the following individual. CRCL received correspondence regarding this individual sent by a third party:

(b)(6) an "American citizen" detained by ICE at Stewart Detention Center after being arrested by ICE at his residence (*date and location of address not provided*)

Country of origin: possibly Mexico

The correspondence states that Mr. (b)(6) has lived in the U.S. for over 27 years and indicates that he may be a naturalized U.S. citizen. It states that when ICE arrested him, they wrongly claimed that his "residency had expired".

No date of birth was provided.